

1 STATE OF TENNESSEE  
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD  
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8 QUARTERLY MEETING OF THE  
9 STATE OF TENNESSEE  
10 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

11 December 4, 2019  
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23 CASSANDRA M. BEILING, LCR# 371  
24 STONE & GEORGE COURT REPORTING  
25 2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.221.1089

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 Robbie Fox, Chairman</p> <p>Fixed Amusement Device Representative</p> <p>3</p> <p>Mike McPherson</p> <p>4 Elevator Inspector Supervisor</p> <p>5 Thomas R. Jackson</p> <p>Elevator Inspector Supervisor</p> <p>6</p> <p>Mike H. Hardy</p> <p>7 Amusement Device Manager</p> <p>8 David Hale, Board Member</p> <p>Tennessee Fair Association Representative</p> <p>9</p> <p>Larry R. Moore, II, Board Member</p> <p>10 Owner and Lessees Representative</p> <p>11 Lewis Moorers, Jr., Board Member</p> <p>Public-at-Large Representative</p> <p>12</p> <p>Mitch H. Rader, Board Member</p> <p>13 Insurance Company Representative</p> <p>14 Victor LaPorte, Board Member</p> <p>Manufacturer Representative</p> <p>15</p> <p>James Roy Pope, Board Member</p> <p>16 Traveling Amusement Device Representative</p> <p>17 Tom Herrod</p> <p>Assistant Commissioner, State of Tennessee</p> <p>18</p> <p>Dan Bailey, Esq.</p> <p>19 Legal Counsel, State of Tennessee</p> <p>20 Jennifer Murphy</p> <p>Board Secretary, State of Tennessee</p> <p>21</p> <p>22</p> <p>23</p> <p>24 ** Reporter's Note: All names are spelled</p> <p>phonetically unless otherwise provided to the</p> <p>25 Reporter by the parties.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">A G E N D A</p> <p>1</p> <p>2 I. Call Meeting to Order</p> <p>3 II. Introductions and Announcements</p> <p>4 III. Pledge</p> <p>5 IV. Adoption of Agenda</p> <p>6 V. Approval of the September 24, 2019 Minutes</p> <p>7 VI. Elevator Unit's Report</p> <p>8 VII. Amusement Device Unit's Report</p> <p>9 VIII. Old Business</p> <p>* Don Stock proposal on inspectors/builders</p> <p>10 * Elevator fee increase</p> <p>11 IX. New Business</p> <p>* Kris Wedekind-Custom Home Technologies</p> <p>12 &amp; Elite Audio Visual</p> <p>* Kevin Loftus-Gensler</p> <p>13 * Mike Church-KONE</p> <p>14 X. Open Discussion Items:</p> <p>* Upcoming dates for board meetings for 2020</p> <p>15 * March 3, 2020</p> <p>* June 2, 2020</p> <p>16 * September 1, 2020</p> <p>* December 1, 2020</p> <p>17</p> <p>18 XI. Announcement of Next Meeting- The next</p> <p>regularly scheduled meeting of the Elevator</p> <p>19 &amp; Amusement Device Safety Board meeting will</p> <p>be held at 9:00 a.m. (CST) on Tuesday,</p> <p>20 March 3, 2020, at the State of Tennessee,</p> <p>Department of Labor and Workforce</p> <p>21 Development building, located at 220 French</p> <p>Landing Drive, Nashville, Tennessee.</p> <p>22 XII. Adjournment</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 * * * * *</p> <p>2 CHAIRMAN FOX: Ladies and</p> <p>3 gentlemen, thank you for being here today. We</p> <p>4 will call the December 4th of the Elevator and</p> <p>5 Amusement Device Safety Board to order.</p> <p>6 And, Mr. Jackson, if you would, lead</p> <p>7 us in the Pledge, please.</p> <p>8 (Whereupon, the Pledge of Allegiance</p> <p>9 was recited.)</p> <p>10 CHAIRMAN FOX: You know, he was</p> <p>11 walking around here a while ago and he said, "You</p> <p>12 know, my career is right at 100,000 hours. You</p> <p>13 know, that's very interesting. I never thought of</p> <p>14 it like that. That's 30 years, right, the way I</p> <p>15 count? I went to Gatlinburg-Pittman, so my math</p> <p>16 is not --</p> <p>17 MR. JACKSON: Yes, sir, 30 years.</p> <p>18 CHAIRMAN FOX: 30 years. I thought</p> <p>19 that was pretty good.</p> <p>20 MR. JACKSON: Getting closer to 48.</p> <p>21 CHAIRMAN FOX: That is a long and</p> <p>22 distinguished career, and I applaud you for doing</p> <p>23 that. I do.</p> <p>24 MR. JACKSON: Thank you.</p> <p>25 CHAIRMAN FOX: Introductions.</p>	<p style="text-align: right;">Page 5</p> <p>1 Ms. Jennifer, because you're sitting at the end,</p> <p>2 it's your turn.</p> <p>3 MS. MURPHY: Jennifer Murphy, board</p> <p>4 secretary.</p> <p>5 MR. HARDY: Mike Hardy, Amusement</p> <p>6 Device Unit manager.</p> <p>7 MR. JACKSON: Thomas Jackson,</p> <p>8 assistant chief elevator inspector.</p> <p>9 MR. MCPHERSON: Mike McPherson,</p> <p>10 chief elevator inspector.</p> <p>11 MR. LAPORTE: Vic LaPorte, board</p> <p>12 member.</p> <p>13 MR. HALE: David Hale, board</p> <p>14 member.</p> <p>15 CHAIRMAN FOX: Robbie Fox, board</p> <p>16 member.</p> <p>17 MR. RADER: Mitch Rader, board</p> <p>18 member.</p> <p>19 MR. MOORER: Lewis Moorers, board</p> <p>20 member.</p> <p>21 MR. MOORE: Larry Moore, board</p> <p>22 member.</p> <p>23 MR. POPE: James Roy Pope, board</p> <p>24 member.</p> <p>25 MR. HERROD: Tom Herrod, the</p>

<p style="text-align: right;">Page 6</p> <p>1 assistant commissioner, WRC.</p> <p>2 MR. BAILEY: Dan Bailey, legal</p> <p>3 counsel.</p> <p>4 MR. FARMER: Chris Farmer, Lerch</p> <p>5 Bates.</p> <p>6 MS. PRESSION: Jamie Presson,</p> <p>7 executive assistant for WRC.</p> <p>8 MR. CHURCH: Mike Church, KONE</p> <p>9 Elevator.</p> <p>10 MR. YORK: Kevin York, Schindler</p> <p>11 Elevator.</p> <p>12 MR. WALKER: John Walker, Navitat</p> <p>13 Knoxville.</p> <p>14 MR. SMITH: Kent Smith, Boyle</p> <p>15 Investment Company.</p> <p>16 MR. LOFTUS: Kevin Loftus, Gensler</p> <p>17 Architects.</p> <p>18 MS. RHODES: Anita Rhodes, Elevator</p> <p>19 admin secretary.</p> <p>20 MR. FINCH: John Finch,</p> <p>21 Margaritaville Hotel.</p> <p>22 MR. WEDEKIND: Kris Wedekind,</p> <p>23 Custom Home Technologies/Elite Audio Visual</p> <p>24 Solutions.</p> <p>25 MR. TARPLEY: John Tarpley,</p>	<p style="text-align: right;">Page 7</p> <p>1 Amusement Device safety compliance officer.</p> <p>2 MR. KLUTTS: And Kevin Klutts,</p> <p>3 Amusement Device safety compliance officer.</p> <p>4 CHAIRMAN FOX: Again, thank you all</p> <p>5 for being here today. And one of the</p> <p>6 announcements that I need to make is that in the</p> <p>7 event of an emergency, security personnel will</p> <p>8 take attendees to a safe place in the building or</p> <p>9 direct them to the exit on the Rosa Parks side.</p> <p>10 With that being said, Item Number 4,</p> <p>11 Adoption of the Agenda, do I have a motion to</p> <p>12 adopt the agenda as presented today?</p> <p>13 MR. RADER: So moved.</p> <p>14 MR. LAPORTE: Second.</p> <p>15 CHAIRMAN FOX: We have a motion and</p> <p>16 a second. Any discussion?</p> <p>17 (No verbal response.)</p> <p>18 CHAIRMAN FOX: Hearing none, all in</p> <p>19 favor of the motion, let it be known by saying</p> <p>20 aye.</p> <p>21 (Affirmative response.)</p> <p>22 CHAIRMAN FOX: All opposed, like</p> <p>23 sign.</p> <p>24 (No verbal response.)</p> <p>25 CHAIRMAN FOX: Motion carries.</p>
<p style="text-align: right;">Page 8</p> <p>1 You should have the minutes of the</p> <p>2 September 24th, 2019 meeting in your packet.</p> <p>3 MS. MURPHY: No. They were emailed</p> <p>4 to them.</p> <p>5 CHAIRMAN FOX: Or it was emailed to</p> <p>6 you. I'm sorry. That's old school, saying it's</p> <p>7 in the packet. But you should have it, so I would</p> <p>8 entertain a motion to approve.</p> <p>9 MR. RADER: So moved.</p> <p>10 MR. MOORE: Second.</p> <p>11 CHAIRMAN FOX: We have a motion and</p> <p>12 a second. Any discussion?</p> <p>13 (No verbal response.)</p> <p>14 CHAIRMAN FOX: Hearing none, all in</p> <p>15 favor of the motion, let it be known by saying</p> <p>16 aye.</p> <p>17 (Affirmative response.)</p> <p>18 CHAIRMAN FOX: All opposed, like</p> <p>19 sign.</p> <p>20 (No verbal response.)</p> <p>21 CHAIRMAN FOX: Thank you very much.</p> <p>22 And next is the Elevator Unit's</p> <p>23 report. Which one of you two gentlemen are</p> <p>24 supposed to do that?</p> <p>25 MR. MCPHERSON: I will.</p>	<p style="text-align: right;">Page 9</p> <p>1 CHAIRMAN FOX: All right.</p> <p>2 MR. MCPHERSON: Since the last</p> <p>3 meeting we had in September, we've -- as a unit,</p> <p>4 we've approved 19 alterations or mods to approve</p> <p>5 94 new construction permits. We've issued 2,703</p> <p>6 operating permits. And in that time, we also</p> <p>7 performed 4,931 inspections.</p> <p>8 Year to date, we've done 151 mods and</p> <p>9 accepted 497 new construction. So we've been</p> <p>10 fairly busy.</p> <p>11 In the state, currently, we have</p> <p>12 14,985 conveyances across the state. Luckily, we</p> <p>13 have no serious reports or incidents or accidents</p> <p>14 to report, I should say. Currently, we are</p> <p>15 operating with 25 inspectors across the state.</p> <p>16 That's including myself. We've lost a couple, one</p> <p>17 in East Tennessee, and one in Middle Tennessee, to</p> <p>18 requirement. And since, we've hired one</p> <p>19 inspector. He's currently in training there in</p> <p>20 East Tennessee. And we're currently seeking out</p> <p>21 three more inspectors for here, Middle Tennessee.</p> <p>22 And we've also been able to add two more admin</p> <p>23 personnel upstairs. So we're growing and moving.</p> <p>24 CHAIRMAN FOX: Do you have trouble</p> <p>25 finding personnel?</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. MCPHERSON: We have had a</p> <p>2 struggle with that.</p> <p>3 CHAIRMAN FOX: You have had or you</p> <p>4 are?</p> <p>5 MR. MCPHERSON: We are.</p> <p>6 CHAIRMAN FOX: Okay. What sort of</p> <p>7 qualifications do they need?</p> <p>8 MR. MCPHERSON: We've changed it</p> <p>9 now to a year to two years elevator experience.</p> <p>10 CHAIRMAN FOX: All right. Anything</p> <p>11 else, sir?</p> <p>12 MR. MCPHERSON: No, sir. I think</p> <p>13 we're good.</p> <p>14 Anything you want to add?</p> <p>15 MR. JACKSON: I will add we have</p> <p>16 two pretty sure retirees coming on board first of</p> <p>17 the year if everything goes right. So I will add</p> <p>18 that, that I think we've got two guys that are</p> <p>19 retiring out of the industry, and they're going to</p> <p>20 come to us. I'm being very optimistic on this.</p> <p>21 CHAIRMAN FOX: Good.</p> <p>22 MR. JACKSON: We need them.</p> <p>23 CHAIRMAN FOX: Good deal. Good</p> <p>24 deal.</p> <p>25 Anything else, gentlemen?</p>	<p style="text-align: right;">Page 11</p> <p>1 MR. JACKSON: No.</p> <p>2 CHAIRMAN FOX: Okay. Item</p> <p>3 Number 7, Mr. Hardy?</p> <p>4 MR. HARDY: In your packet or</p> <p>5 handout -- I'm going to try to be brief because we</p> <p>6 have a somewhat heavy agenda this morning. But</p> <p>7 with the remainder of December to finish out our</p> <p>8 second quarter of the fiscal year, we're at</p> <p>9 223 permits issued. So we're on track.</p> <p>10 Our goal for this year is to issue</p> <p>11 500 operating permits, and with a full compliance</p> <p>12 officer staff, I think that we'll gain during the</p> <p>13 spring, which is, of course, the normal operating</p> <p>14 time for our amusements. And I think we'll gain.</p> <p>15 We're almost halfway there, and will be close to</p> <p>16 halfway there by the end of the second quarter.</p> <p>17 So I think that 500 companies permitted is an</p> <p>18 attainable goal.</p> <p>19 On the second sheet, new companies</p> <p>20 permitted, we're at 55. Last year we were at 113.</p> <p>21 But again, I think compliance officers are</p> <p>22 continuing to beat the bushes and turn over the</p> <p>23 rocks, they're finding and we're permitting new</p> <p>24 companies, you know, almost on a weekly basis. So</p> <p>25 I think that we'll be close to or surpass the new</p>
<p style="text-align: right;">Page 12</p> <p>1 companies that we permitted last year.</p> <p>2 On the third sheet are the total</p> <p>3 number of devices, where the permits are issued.</p> <p>4 We're at 2,087. Last year, we permitted a</p> <p>5 total -- well, we registered -- we permit</p> <p>6 companies -- we register devices. So we</p> <p>7 registered 4,247 devices, individual devices last</p> <p>8 year. We're at 2,087 this year.</p> <p>9 And then accidents, I believe at the</p> <p>10 last board meeting we were at two. We had a</p> <p>11 trackless train accident, and we had a mountain</p> <p>12 coaster accident in East Tennessee involving an</p> <p>13 employee.</p> <p>14 More recently, we had a zip line</p> <p>15 accident here in the Nashville area. It was</p> <p>16 involving both a patron and an employee. And we</p> <p>17 handled that through normal procedure. It did</p> <p>18 require transport to hospital, and the company</p> <p>19 shut everything down. They retrained, and they</p> <p>20 had a third-party inspector come in and give us a</p> <p>21 clean bill of health. Again, it was mostly an</p> <p>22 operator or procedural error on the part there.</p> <p>23 So we're at three this year. And we</p> <p>24 talk about this every meeting, and I think you</p> <p>25 guys already know what has contributed to these</p>	<p style="text-align: right;">Page 13</p> <p>1 spikes. So again, we're handling trampoline park</p> <p>2 incidents and accidents on a case-by-case basis.</p> <p>3 And just because we have a turned ankle or a</p> <p>4 turned knee, nothing to do with the trampoline or</p> <p>5 any equipment, it's just a nature of the beast.</p> <p>6 And we were talking a little bit earlier that I</p> <p>7 think that's the case. If you'll Google</p> <p>8 trampoline park accidents, you'll see that that's</p> <p>9 the case all over the country. So it's nothing</p> <p>10 that we're doing any different. And I still</p> <p>11 contend that even though there was a transport</p> <p>12 involved, that the device really didn't have</p> <p>13 anything to do with the accident. It's just the</p> <p>14 nature of the beast, so to speak.</p> <p>15 And then I've got the accidents</p> <p>16 separated by device type, is the last sheet of</p> <p>17 your handout. Again, we're at three. Nothing</p> <p>18 that we're really doing to lend itself with these</p> <p>19 low numbers other than maybe, you know, the</p> <p>20 program is still relatively young, when you look</p> <p>21 in terms of three years. And maybe awareness is</p> <p>22 spreading through the state and people are taking</p> <p>23 additional measures. The inspection reports that</p> <p>24 we require contributed to safety, obviously.</p> <p>25 We had a successful fair season this</p>

<p style="text-align: right;">Page 14</p> <p>1 year. No major incidents. The folks did a good  2 job of going out to the fairgrounds and assisting  3 the companies, making sure that the devices they  4 had on the ground were the devices that we had  5 registered for them, that there weren't any  6 add-ons. And we had a couple of cases of that,  7 and we had to have the companies get third-party  8 inspectors in there and get an inspection before  9 the device was operated. So we handled a few  10 cases like that. Really, it was kind of a light  11 year for us. Again, no accidents or incidents at  12 our fairs.</p> <p>13 And that's basically my report. And  14 I'll be glad to answer any questions that any of  15 you may have.</p> <p>16 CHAIRMAN FOX: Questions?  17 (No verbal response.)</p> <p>18 CHAIRMAN FOX: Mr. Hardy, you're  19 kind of like the Maytag repairman. We hope and  20 pray each day that you have to do nothing.</p> <p>21 Some people back there may not know  22 what the Maytag repairman -- they're not old  23 enough. The Maytag repairman did nothing. That's  24 what we hope he does, and his team.</p> <p>25 MR. HARDY: Well, with the</p>	<p style="text-align: right;">Page 15</p> <p>1 documentation that we require, it's, you know,  2 getting close to 500 companies. And we do have a  3 small staff, but we work together and we get it  4 done. And we provide a lot of assistance to, you  5 know, our customers. And I attribute that, again,  6 to the staff.</p> <p>7 CHAIRMAN FOX: Good deal.</p> <p>8 MR. RADER: Good report. Thank  9 you.</p> <p>10 CHAIRMAN FOX: Okay. Moving to Old  11 Business. Mr. Stock had made a proposal to the  12 board on inspectors and builders last time.</p> <p>13 Mr. Hardy, are you going to discuss  14 that? Or what do we do?</p> <p>15 MR. HARDY: Don, do you want to  16 touch on that, or do you want me to speak on your  17 behalf?</p> <p>18 MR. STOCK: You're there. I would  19 say we've had conversations, so if there's  20 specific questions or clarifications, that may be  21 easier for you to do in the room than on the  22 phone. It's a little hard for me to hear where I  23 am. I do apologize that I can't be there. I've  24 got a commitment speaking at a conference today,  25 so I'm unable to be in two places at once.</p>
<p style="text-align: right;">Page 16</p> <p>1 MR. HARDY: Well, you correct me if  2 I misspeak on your behalf.</p> <p>3 MR. STOCK: Yes, sir.</p> <p>4 MR. HARDY: But what Don is  5 advocating is that the manufacturer/designer/  6 builder of an aerial adventure course, which can  7 include zip lines, challenge courses, you know,  8 swinging bridges, things of that nature, the  9 manufacture, designer, and builder on new  10 installations or major modifications for  11 companies, they are required to go outside, to not  12 use Don, to get a true third-party inspector for  13 major modifications.</p> <p>14 What Don is advocating and wanting us  15 to do is on routine annual inspections, if there  16 are no major modifications or new elements to be  17 considered, he would like for us to be able to  18 accept his inspection reports, if only there are  19 minor adjustments made to the device, and part-  20 for-part exchanges.</p> <p>21 And before, the philosophy or, I  22 guess, the internal policy is that being a  23 manufacturer or designer of the device, like you  24 had in Dollywood, that he would no longer be  25 allowed to perform the annual inspections that are</p>	<p style="text-align: right;">Page 17</p> <p>1 submitted to the State for approval. And in it's  2 simplest form, that's as well as I know how to  3 present that.</p> <p>4 CHAIRMAN FOX: Is that your  5 understanding, too, Mr. Stock, or is that what you  6 want to convey to us?</p> <p>7 MR. STOCK: Well, there's -- it's a  8 little bit more of a nuance than that, as I said  9 in the last meeting. I think there's a little bit  10 of gray, foggiess about exactly the  11 differentiation, for example, a course owner --  12 we'll use Dollywood as an example -- a course  13 owner employing a certified inspector that  14 inspects a course that they own. That is not what  15 I'm advocating for. And I'm not advocating,  16 really, just for -- I am advocating just for us  17 because it affects us, but all of those who are --  18 who work in the state of Tennessee, both as  19 inspectors and as companies who build courses, are  20 dealing with this same spiraling issue of  21 challenge as it comes to dealing with the  22 third-party interpretation that the prior  23 administration had.</p> <p>24 What Mr. Hardy and I have discussed  25 is -- me and the attorneys said last time, this</p>

<p style="text-align: right;">Page 18</p> <p>1 really is not a question of statute. The statute  2 doesn't require third-party and the rules don't  3 say anything about this. So we're really just  4 looking for clarification. I, as a company owner,  5 am looking for clarification so that we're doing  6 things right and also helping regulatory processes  7 understand the dynamics of our industry and how it  8 typically works in most instances and the  9 challenges that the interpretation has had for us  10 to keep quality inspectors who know the courses,  11 who know the procedures and all those sorts of  12 things on the ground.</p> <p>13           And so what I've presented to  14 Mr. Hardy is that there be basically an approach  15 that's three-prong. And it's basically, if you  16 look at it as a flow chart, if you have the permit  17 inspections in a box, and if they're -- then the  18 next box would be is it a new construction or is  19 it a major modification to an existing process.  20 If that's the case, then my suggestion is, because  21 that's the comfort level of everybody, that that  22 have a third-party set of eyes.</p> <p>23           So if Company A was employed by, you  24 know, Camp Widjiwagan to build a challenge course.  25 Before that course could be permitted, Company B,</p>	<p style="text-align: right;">Page 19</p> <p>1 challenge course company -- or not challenge  2 course company B, but a certified inspector B that  3 is not employed by either the camp who's buying  4 the course or the company who builds the course  5 would need to do the first permit inspection for  6 that installation.</p> <p>7           Going forward, after that, if all of  8 a sudden Camp Widjiwagan is Company A's client and  9 those companies rely on the installers, the camps  10 and the course owners very often rely on those  11 designer/builders to do the maintenance for their  12 courses. They don't employ people who understand  13 it and know it, who have the skills, who have the  14 knowledge and the tools and all those sorts of  15 things. And that's how our industry has  16 historically operated, not just in Tennessee, but  17 across the country.</p> <p>18           And so the challenge of not allowing  19 company who installed the course to do maintenance  20 on it and do their annual inspections is really  21 very, very difficult. And so the point being is  22 that if it's a brand-new installation, it needs a  23 third-party set of eyes. I advocate for that  24 within our company. And that's what we do  25 within -- we own a course. As a company, we own a</p>
<p style="text-align: right;">Page 20</p> <p>1 course at Camp Jordan, and we have a colleague who  2 has no association with us. They've done every  3 inspection that we do. Not just the initial one,  4 but all of them, every year.</p> <p>5           So again, if the answer to the  6 question is, is it a new installation or is it a  7 major modification, yes, then it needs someone who  8 is not employed by the owner of the course or  9 someone who is not employed by the company that  10 built the course.</p> <p>11           If the answer is no, it's not a major  12 modification, and then that means that nothing has  13 changed since a third-party set of eyes that  14 looked at it that gave it the okay, it's built  15 according to standards and all those sorts of  16 things.</p> <p>17           What that allows, it allows the  18 inspector to be an employee of the company who  19 designed and built it. And I think I made the  20 point last time, that's not a negative for safety.  21 That's a positive. Because that manufacturer  22 understands how that thing is supposed to be  23 operated; they understand the design; they  24 understand the intent of how things are put  25 together; they were probably the source of the</p>	<p style="text-align: right;">Page 21</p> <p>1 manuals and the procedures and everything that  2 goes along with that.</p> <p>3           And that's often not the case or can  4 not be the case when -- it's if somebody randomly  5 pulled out just because they got certification,  6 and we have to have a third party, or the camp has  7 to have a third party.</p> <p>8           So that's what we're advocating for,  9 is that the -- to have a certified inspector, even  10 if they're employed by the company who designed  11 and built the course, to be able to do the annual  12 inspection for them as long as there was no major  13 modification. If there is a major modification,  14 then there would need to be a third-party set of  15 eyes on it.</p> <p>16           But at no time could -- like, the  17 course owner, whoever, at Camp Widjiwagan,  18 couldn't say, okay, well, let's save ourselves  19 some money. Let me send someone to go get an ACCT  20 inspector certification so they can do our  21 internal inspection every year. Because that is  22 the conflict of interest that I feel like the -- a  23 lot of folks have in their mind what I'm  24 advocating for and that absolutely is not it.  25 Because that is an incentive to not do work, to</p>

<p style="text-align: right;">Page 22</p> <p>1 not do repairs that might really kind of need to  2 be done, because it's I own the course, we can get  3 by another year, you know, I don't want to spend  4 money on it, or whatever the case may be, so we've  5 got an internal inspector who signs off. That's  6 not what I'm advocating for.</p> <p>7           And that's not the same dynamic as  8 having the builder field a person who is a  9 designer or builder of the course. That's not the  10 same dynamic as a course owner having someone. In  11 fact, I would say that you could make a case that  12 having a builder who may change out a belay cable  13 that's a little bit rusty, doesn't necessarily  14 have to be done this time, but I'm on site and I'm  15 going to go ahead and do it, I'm going to take  16 care of it. That is an impetus for things being  17 more safe rather than less safe, because that's  18 kind of the dynamic of how we approach things. We  19 are looking to take care of our clients' courses  20 to make sure that they are doing things like they  21 need to be doing according to standards on all of  22 those things.</p> <p>23           So I think that's concise in what I'm  24 advocating for. It's good for public safety.  25 It's good for the course owners. It's good for</p>	<p style="text-align: right;">Page 23</p> <p>1 the vendors. It's good for the certified  2 inspectors. Because ultimately, the State of  3 Tennessee doesn't recognize me as an accredited  4 challenge course installer, as far as my company,  5 The Adventure Guild. And that's a pretty  6 important piece, is that the -- who the state  7 recognizes is the credentials of the person on the  8 ground. So who built it really doesn't even -- in  9 terms of the statute and rules, it doesn't even  10 come into play. It doesn't even speak to any of  11 those things. It's talking about the  12 qualifications of the persons who are on the  13 ground. And sometimes I think those kind of get  14 lumped together and they're really not the same.</p> <p>15           MR. RADER: Hey, Don, this is Mitch  16 Rader, board member.</p> <p>17           MR. STOCK: Yes, sir.</p> <p>18           MR. RADER: Help me understand.  19 What are you defining as a major modification?  20 Are you talking about adding to the course or are  21 you talking about changing out a line or -- help  22 us understand that.</p> <p>23           MR. STOCK: It's actually the --  24 the other piece about this that's great is because  25 the standards that the State already cites gives</p>
<p style="text-align: right;">Page 24</p> <p>1 those definitions. And that's the part that's  2 really nice, is you have the standard to point to.  3 It indicates major modifications. I don't have  4 that handy to look that up, but it's basically  5 anything that changes the operation of the course  6 or adds some new component that wasn't previously  7 there. That's the Reader's Digest version of it.  8 If it changes the operation -- I mean, it used to  9 run this way, and it runs another way now. Like,  10 for example, if a zip line used to have a setup so  11 that you -- so the participant zips off and it ran  12 down to the end and then back-and-forth and  13 back-and-forth and back-and-forth until they are  14 stopped in the middle and they took the kid down  15 with a ladder, if that changed from a  16 platform-to-platform zip line, it's still a zip  17 line, but the function has changed where you've  18 got a break at the end and a staff at the end and  19 a platform at the end, that would be a major  20 modification. If it changes how the thing  21 operates, which means new training and that sort  22 of stuff, that's a major modification.</p> <p>23           If you're swapping out like for like,  24 for example, if that same zip line, the cable is  25 rusted and needs to be replaced and it got put</p>	<p style="text-align: right;">Page 25</p> <p>1 back exactly like it was installed, then that's  2 not a major modification, because it doesn't  3 change the operation.</p> <p>4           MR. WALKER: I just --</p> <p>5           CHAIRMAN FOX: Hold up, please.  6 I'll get you in a second.</p> <p>7           MR. WALKER: Oh, okay. I thought  8 you were calling on me.</p> <p>9           CHAIRMAN FOX: Keep going, Don.</p> <p>10           MR. STOCK: No. That was the  11 definition.</p> <p>12           CHAIRMAN FOX: All right. Let me  13 ask you a question, if I may, please, please.  14 This is Robbie.</p> <p>15           MR. STOCK: Yes, sir.</p> <p>16           CHAIRMAN FOX: When you build a  17 course, whatever that may be, do you issue a  18 maintenance manual for that particular structure  19 and/or venue?</p> <p>20           MR. STOCK: Not if it's the -- not  21 if it's an ASTM project. If it's an ASTM-governed  22 project, then that's part of a standard and you  23 have to do that. But most courses don't have  24 maintenance people, and so the course personnel  25 don't do -- typically, don't do maintenance on</p>

<p style="text-align: right;">Page 26</p> <p>1 courses.</p> <p>2 Historically, in our industry over</p> <p>3 the last 25-plus years and longer than that --</p> <p>4 probably actually longer than that in some</p> <p>5 cases -- the people who designed and built the</p> <p>6 course, during the time of the annual inspection,</p> <p>7 long before there was any regulatory, you know,</p> <p>8 guidelines or laws, we took care of the courses</p> <p>9 for them because we had the skills and knowledge,</p> <p>10 the understanding, the tools, all that sort of</p> <p>11 thing.</p> <p>12 So most manuals, unless there's a</p> <p>13 reason for it, we don't issue a maintenance manual</p> <p>14 for the stuff, because they don't do the</p> <p>15 maintenance on it.</p> <p>16 CHAIRMAN FOX: Okay. In my</p> <p>17 world -- and we did have a zip line -- and one of</p> <p>18 the things that they had were inspection points,</p> <p>19 so would you issue a manual that would have</p> <p>20 inspections, i.e., audit points, to the owner, or</p> <p>21 whatever, if you were to build the course?</p> <p>22 MR. STOCK: Yes. There's a -- we</p> <p>23 provide a daily inspection form. And that's part</p> <p>24 of -- those are part of the operational</p> <p>25 requirements within standards. So we offer a --</p>	<p style="text-align: right;">Page 27</p> <p>1 or we provide a -- with our manual, especially</p> <p>2 with the newer installations in the last few</p> <p>3 years, a point-by-point checklist for the person</p> <p>4 who's doing the daily or periodic in-house -- we</p> <p>5 call it an in-house inspection, which is,</p> <p>6 basically, doing the one-ride cycle, making sure</p> <p>7 everything is as it needs to be, that nothing has</p> <p>8 changed, nothing has broken or anything like that</p> <p>9 since the last time we operated the course,</p> <p>10 whether that was yesterday or a week ago,</p> <p>11 depending upon -- some courses don't run every</p> <p>12 day.</p> <p>13 But yes, there's a checklist, and it</p> <p>14 checks the fundamental parts of the -- basically,</p> <p>15 we call it the structure of the environment and</p> <p>16 the equipment, and a qualified staff person who</p> <p>17 has been trained to, you know, have an eye for</p> <p>18 those sorts of things. It's not a professional</p> <p>19 inspection. It's an in-house inspection. It's</p> <p>20 not -- they're not asked to be a designer or a</p> <p>21 builder. They're basically looking to make sure</p> <p>22 that nothing has changed since they put their eyes</p> <p>23 on all that. But there is a checklist for that,</p> <p>24 yes.</p> <p>25 CHAIRMAN FOX: Okay.</p>
<p style="text-align: right;">Page 28</p> <p>1 MR. HALE: Don, this is David Hale.</p> <p>2 I understand where you're going with this request</p> <p>3 and all. I guess the only concern I have is, is</p> <p>4 that if you went in -- not you -- but a company</p> <p>5 went in and replaced the entirety of the cable and</p> <p>6 those anchor points that the cable connects,</p> <p>7 whether that constitutes a major modification or</p> <p>8 not, whether that should have a third party, an</p> <p>9 independent third party, to look at it or not when</p> <p>10 you're making -- because that is a major change in</p> <p>11 the structure, in my opinion, if you change all</p> <p>12 the anchor points and the cable.</p> <p>13 MR. STOCK: Well, I would say that</p> <p>14 the anchor points, especially if you're dealing</p> <p>15 with soil anchors and things like that, they're</p> <p>16 within the standards. There are criteria for how</p> <p>17 you treated those anchors. And if you were</p> <p>18 putting new ground anchors in the ground in the</p> <p>19 place of old ones, (a) that is a very rare and</p> <p>20 unusual thing to do. That would not be something</p> <p>21 that happens on a regular basis. If you have,</p> <p>22 like, an old course; for example, someone calls</p> <p>23 and said my course has been out of operation for</p> <p>24 the last five years, hasn't been inspected, and</p> <p>25 you went in and said, basically, we want to</p>	<p style="text-align: right;">Page 29</p> <p>1 rebuild the course like it is, but everything is</p> <p>2 rusted, so can you check the poles, see if the</p> <p>3 poles are okay, and then basically replace the</p> <p>4 cable and elements with what's already there,</p> <p>5 that's a really -- that's sort of a gray area, but</p> <p>6 that doesn't happen very often. I mean, making --</p> <p>7 I would encourage you not to make a rule around an</p> <p>8 anomaly. See, because that just doesn't happen</p> <p>9 all that often.</p> <p>10 Typically, when you have something</p> <p>11 like that, if it's that old, usually, the poles</p> <p>12 are marginal and that sort of stuff, and we just</p> <p>13 start over. And if it's going back in the same</p> <p>14 configuration, then those anchors could be tested.</p> <p>15 If they're critical, they have to be tested.</p> <p>16 I totally understand what you're</p> <p>17 saying. Personally, if it was me, I would treat</p> <p>18 it as a new build.</p> <p>19 MR. HALE: And I agree that you</p> <p>20 probably would treat it as a new build. But the</p> <p>21 question is will everyone treat it as a new build?</p> <p>22 MR. STOCK: Well, the hard part</p> <p>23 about that, Mr. Hale, is that it's hard to make</p> <p>24 rules and laws that circumvent human nature. I</p> <p>25 mean, there are people that -- I can't speak for</p>

<p style="text-align: right;">Page 30</p> <p>1 them. I just know that the vast majority of our 2 industry, they really have the clients' and the 3 participants' best interests at heart.</p> <p>4 I mean, we work, as an industry, as 5 standards developer, the ACCT, and the vendors, we 6 have been protecting public safety in this regard 7 in these types of structures and operations for 8 probably 20 years before this was on -- or more, 9 depending on locations, before states or 10 regulatory agencies ever even knew this stuff 11 existed or cared to regulate it. So there is a 12 culture of concern and care, not that there's not 13 a rogue company or a rogue inspector and things 14 out there. But the heart of this industry really 15 is doing the right thing and protecting public 16 safety.</p> <p>17 Nobody does it perfect, but I really 18 feel like that what we're advocating for or what 19 I'm advocating for is very consistent with the 20 history of our industry, it's very consistent 21 with -- it's actually even -- it's more stringent 22 than a lot of places, because there's a lot of 23 places who don't require a third-party inspection 24 for a new installation. I mean, there's only a 25 couple of states now that specifically have that</p>	<p style="text-align: right;">Page 31</p> <p>1 in the language.</p> <p>2 And what I'm advocating for is what 3 Colorado has adopted, because they ran into the 4 issues that we've had in Tennessee with the 5 spiraling problem of finding, you know, 6 inspectors, because if the inspector couldn't 7 repair stuff, like we talked about last time.</p> <p>8 So, I mean, that's -- I really feel 9 like you're -- what I'm advocating has a very long 10 track record of doing a great job of being good 11 for everybody, including and primarily protecting 12 public safety.</p> <p>13 And I think, if I heard correctly, 14 John Walker is in the room. John was a lead 15 builder/designer for another company that was 16 also -- there's also a CBM -- and I think he can 17 probably echo what I've kind of been explaining. 18 And this is MO for our industry that has really 19 been protecting public safety for a very, very 20 long time.</p> <p>21 CHAIRMAN FOX: Okay. All right. 22 Any comments/questions from the board? 23 Mr. Hardy, do you have any comment or 24 question? 25 MR. HARDY: No, I don't.</p>
<p style="text-align: right;">Page 32</p> <p>1 CHAIRMAN FOX: Okay. Are you 2 Mr. Walker?</p> <p>3 MR. WALKER: I am, sir.</p> <p>4 CHAIRMAN FOX: I couldn't hear your 5 name.</p> <p>6 MR. WALKER: John Walker.</p> <p>7 CHAIRMAN FOX: If you are, then 8 you'll need to come forward, sit in this chair, 9 and speak loud and --</p> <p>10 MR. WALKER: I didn't have a lot --</p> <p>11 CHAIRMAN FOX: I can't hear, sir.</p> <p>12 MR. WALKER: That's okay. Do you 13 want me to sit here?</p> <p>14 CHAIRMAN FOX: No. I'll need you 15 to sit in those chair right there.</p> <p>16 MR. WALKER: Okay.</p> <p>17 CHAIRMAN FOX: That lady has got a 18 speaker in front of you.</p> <p>19 Please state your name.</p> <p>20 MR. WALKER: John walker. I'm with 21 Navitat Knoxville. How is everyone doing?</p> <p>22 I was just bringing up the code that 23 Mitch asked for, the major modification 24 definition. And I believe it's in the code. It 25 says any change in the structure or operation of</p>	<p style="text-align: right;">Page 33</p> <p>1 an amusement device that materially alters either 2 the performance of the device or any safety- 3 related system of the device. So that was really 4 the main reason I raised my hand.</p> <p>5 As far as what Don is advocating for, 6 I would tend to agree with it. I do think that 7 the issue with the standards, for years, has been 8 that there isn't one singular robust standard that 9 really covers the moving target that is our 10 industry.</p> <p>11 There have been a lot of developments 12 in the industry, new breaking systems coming on 13 line, zip lines getting built longer and bigger 14 and faster. But you still have these iterations 15 of zip lines that are more like a challenge course 16 zip line, a very short zip line that's not even 17 high off the ground.</p> <p>18 So there's sort of a wild array of 19 these things, and there's a bits of a blight of -- 20 there's not an easy target for saying here is all 21 the of certified inspectors that follow an ASTM 22 standard. The ASTM standard has actually worked 23 to try and catch up to the speed and pace of the 24 development of the industry.</p> <p>25 And you'll have to forgive me. I've</p>

<p style="text-align: right;">Page 34</p> <p>1 been a little out of the industry for about a</p> <p>2 year, but I was in the industry for about</p> <p>3 20 years, working very diligently at trying to get</p> <p>4 the ACCT standard, which is the Association --</p> <p>5 CHAIRMAN FOX: Hold on just a</p> <p>6 second.</p> <p>7 Mr. Stock, could I ask you to mute</p> <p>8 the background noise for us?</p> <p>9 MR. STOCK: I am sorry. I forgot I</p> <p>10 wasn't muted.</p> <p>11 CHAIRMAN FOX: I didn't want to cut</p> <p>12 you off, but --</p> <p>13 MR. WALKER: I was rather enjoying</p> <p>14 that.</p> <p>15 So yeah, I hear where Don is coming</p> <p>16 from. It wouldn't necessarily be a hill I would</p> <p>17 die on or a thing I would really say, hey, we have</p> <p>18 to make sure this can happen. But I also don't</p> <p>19 necessarily know the state of Tennessee and it's</p> <p>20 particular conditions with the certified</p> <p>21 inspectors and safety commissioners and even the</p> <p>22 nature of all of the variety of devices that are</p> <p>23 out there. I don't really have a great handle on,</p> <p>24 specifically, the state of Tennessee.</p> <p>25 But I do think that the industry in</p>	<p style="text-align: right;">Page 35</p> <p>1 total does suffer from trying to figure out -- I</p> <p>2 wouldn't describe it so much as a spiral as more</p> <p>3 of a wait, is this standard actually robust enough</p> <p>4 and does it apply? For instance, ASTM 2259770,</p> <p>5 these ones that amusement rides and device</p> <p>6 standards that have been trying to get zip lines</p> <p>7 and aerial adventure parks in there at probably</p> <p>8 too fast of a pace, counter to that, you have the</p> <p>9 association for challenge course technology</p> <p>10 standard, which has basically been ropes course or</p> <p>11 summer camp, corporate training ropes course-type</p> <p>12 of standard. That's been pretty robust for that</p> <p>13 but has also been trying to develop -- as opposed</p> <p>14 to change, it's been trying to increasingly and</p> <p>15 speedily develop.</p> <p>16 So I think what Don is referring to,</p> <p>17 if I'm not wrong, is the difficulty in finding</p> <p>18 certified inspectors that are actually going to be</p> <p>19 qualified to inspect the course, as opposed to a</p> <p>20 third-party inspector coming in.</p> <p>21 I know, for instance, on the course</p> <p>22 that we have, we have a third-party inspector come</p> <p>23 in. And it seems to me that the manufacturer, as</p> <p>24 long as there's no major modifications, that the</p> <p>25 manufacturer would do a much better job. The</p>
<p style="text-align: right;">Page 36</p> <p>1 actual manufacturer of the device, who is the</p> <p>2 designer, would do a much better job, a much more</p> <p>3 thorough job, and take a much more, sort of,</p> <p>4 responsible approach of ownership in making sure</p> <p>5 that the device is actually going to be compliant</p> <p>6 and stay safe.</p> <p>7 So if that's mainly what he's talking</p> <p>8 about, I would say that that does sound reasonable</p> <p>9 to me. I'm not too sure how it works in the</p> <p>10 elevator industry. The thing that I would think</p> <p>11 is that the design manufacturer, the original</p> <p>12 manufacturer, in the event that there are no</p> <p>13 course modifications, and even in the event that</p> <p>14 cables need to get replaced, because when cables</p> <p>15 get replaced, you are checking tension. You know</p> <p>16 the tension of the cable. You're torquing the</p> <p>17 cable clamps.</p> <p>18 As far as cables go, much more than</p> <p>19 that, you're not replacing anchors so much. It's</p> <p>20 more about replacing the cable, the -- basically,</p> <p>21 the transfer cable where riders are going on it.</p> <p>22 It's sort of almost like changing tires on the</p> <p>23 car. You're not pulling the wheels off and</p> <p>24 putting new wheels on; you're just changing the</p> <p>25 tires.</p>	<p style="text-align: right;">Page 37</p> <p>1 So you have things that can go into</p> <p>2 an acceptance inspection that a compliance officer</p> <p>3 can check the paperwork for: Did you torque the</p> <p>4 fist grips? Did you torque the cable clamps?</p> <p>5 What is the tension? Is it matching the</p> <p>6 previous -- the design and manufacturer's</p> <p>7 specifications?</p> <p>8 So I do think that as long as there's</p> <p>9 no course modifications that it probably would be</p> <p>10 a good practice to allow the design manufacturer</p> <p>11 to send a certified inspector in on a course that</p> <p>12 didn't have major modifications on it and didn't</p> <p>13 have any incidents occur to do those inspections</p> <p>14 and maintenance protocols.</p> <p>15 CHAIRMAN FOX: Questions?</p> <p>16 MR. HALE: So would a fair</p> <p>17 compromise -- my concern would be that if you're</p> <p>18 just replacing the cable, that's a routine</p> <p>19 maintenance thing. If you're replacing anchor</p> <p>20 points, then it becomes a major modification.</p> <p>21 CHAIRMAN FOX: Don, can you put it</p> <p>22 on mute, please?</p> <p>23 MR. RADER: Or I don't care which</p> <p>24 one of you answers that, really.</p> <p>25 Don, if you want to answer that,</p>

<p style="text-align: right;">Page 38</p> <p>1 that's fine.</p> <p>2 MR. WALKER: I would say that a</p> <p>3 replacement of an anchor -- so I'm just trying to</p> <p>4 think of -- okay. So if you don't like an eye</p> <p>5 bolt that is going through a pole, and you wanted</p> <p>6 to replace that eye bolt, and you replaced it with</p> <p>7 the exact same manufactured eye bolt that's the</p> <p>8 exact same strength into that pole, you know, I</p> <p>9 wouldn't -- I don't think it fits the definition</p> <p>10 of a course modification that the State of</p> <p>11 Tennessee already has. But, also, I don't think</p> <p>12 that that would be something that would -- maybe</p> <p>13 Don would have to answer that more, because I'm</p> <p>14 not really too sure, exactly, what -- I mean, if</p> <p>15 you're removing an entire telephone pole and</p> <p>16 putting a new pole in, I think at that point,</p> <p>17 sure, it's a major course modification.</p> <p>18 To try and equate these devices in</p> <p>19 the same -- you know, you've got a mountain</p> <p>20 coaster or a roller coaster, for example, and it's</p> <p>21 really a highly manufactured thing. Our course is</p> <p>22 built in trees. Some of the courses, I think,</p> <p>23 that Tennessee has that are amusement devices are</p> <p>24 built in trees. I don't know whether there's a</p> <p>25 ratio of that, but...</p>	<p style="text-align: right;">Page 39</p> <p>1 So you really get into this area</p> <p>2 where it doesn't need to be gray. It just needs</p> <p>3 to be such that we can -- I would think the idea</p> <p>4 would be to put inspectors that we feel can</p> <p>5 actually -- you know, are qualified to do the job.</p> <p>6 MR. HALE: I'm not arguing that</p> <p>7 point.</p> <p>8 MR. WALKER: Okay.</p> <p>9 MR. HALE: I think you've made your</p> <p>10 case, in my opinion, for the manufacturer's</p> <p>11 inspector to be able to inspect. I'm trying to</p> <p>12 now understand what -- where that breakover point</p> <p>13 is; this is no longer a routine inspection versus</p> <p>14 a modification or major repair that would require</p> <p>15 a third party, an independent third party, to come</p> <p>16 in and say yeah, those guys did it right.</p> <p>17 MR. WALKER: I think the definition</p> <p>18 you have is pretty simple, clear.</p> <p>19 MR. STOCK: I agree.</p> <p>20 MR. WALKER: To me, the definition</p> <p>21 that's in the code, from my view anyway, is very</p> <p>22 simple and clear. So if it's going to materially</p> <p>23 affect the performance or the structure of it. So</p> <p>24 if you are simply replacing exactly what's</p> <p>25 there -- and I think that's also pretty common and</p>
<p style="text-align: right;">Page 40</p> <p>1 analogous in other industries -- if you're simply</p> <p>2 replacing what's there, then what I wouldn't say</p> <p>3 is you don't need an inspection, it's no big deal.</p> <p>4 What I would say is the facilities that the -- the</p> <p>5 tools that we can utilize, both as design</p> <p>6 manufacturers and as regulators, be them</p> <p>7 acceptance inspections, be them internal</p> <p>8 commissioning reports that say, okay, this thing</p> <p>9 is out of service, we're replacing everything and</p> <p>10 putting it back into service, we have the tools</p> <p>11 within the standards that we follow, the ACCT</p> <p>12 standards, to produce the materials that would</p> <p>13 satisfy the regulators. That seems like a win --</p> <p>14 like it could really dovetail well together and be</p> <p>15 a win-win. So that would be my --</p> <p>16 MR. HALE: Let me try this from</p> <p>17 another direction.</p> <p>18 Mr. Hardy, where do you see that</p> <p>19 breakover point being?</p> <p>20 MR. HARDY: As far as major</p> <p>21 modifications?</p> <p>22 MR. HALE: That's right. What</p> <p>23 constitutes a major modification?</p> <p>24 MR. HARDY: If you add an element,</p> <p>25 you know, or -- well, not eliminate one, but if</p>	<p style="text-align: right;">Page 41</p> <p>1 you add an element to a zip line course, that</p> <p>2 would be a major modification of the course or the</p> <p>3 company.</p> <p>4 MR. HALE: If it hooks to a tree</p> <p>5 and that tree gets hit by lightning, and it is no</p> <p>6 longer a substantial support and you're going</p> <p>7 to -- obviously, you're not going to grow a tree</p> <p>8 big enough to replace it, so you've got to put in</p> <p>9 a post.</p> <p>10 MR. WALKER: That's a major</p> <p>11 modification, certainly.</p> <p>12 MR. HARDY: It would be in my</p> <p>13 opinion, also.</p> <p>14 MR. RADER: So is the reinspection,</p> <p>15 at that point, is that on the honor system? I</p> <p>16 mean, do you, as the zip line owner, call the</p> <p>17 State, and --</p> <p>18 MR. WALKER: If we're following the</p> <p>19 current ACCT standard, the challenge course for</p> <p>20 technology standards, which I think the code</p> <p>21 allows for, it says follow ASTM standard or</p> <p>22 another substantial and as detailed standard. If</p> <p>23 we're following that standard, yes.</p> <p>24 Any modification or repair is going</p> <p>25 to require an acceptance inspection. Major</p>

<p style="text-align: right;">Page 42</p> <p>1 modifications require acceptance inspections. And  2 the idea, I think, is if the acceptance inspection  3 could go -- I mean, this could happen -- for me,  4 for instance, it needs to happen this winter. I'm  5 back on this course as an owner and we need to  6 make modifications. We're in trees. The trees  7 have been growing. We have things that we'd like  8 to switch around to better serve our market.  9               So if we're going to modify  10 something, even a challenge course element, for  11 instance, that we have, which is maybe a balance  12 traverse or we want to turn that into a short zip  13 line, that's a major modification. So if that  14 major modification were to happen, as opposed to  15 waiting a year and saying, well, we'll just make  16 that modification and let the course run, and then  17 we'll have the third-party inspector out, because  18 that's exhaustive, to be able -- for the design  19 manufacturer to be able to make those  20 modifications, do an acceptance inspection and  21 then work with the State and the inspectors at the  22 State level to say here is our documentation that  23 shows that we've done this.  24               The third-party inspection -- I'm  25 getting a little off track here. The idea that</p>	<p style="text-align: right;">Page 43</p> <p>1 the internal inspection -- the ACCT has good,  2 robust standards that enforce and guide this kind  3 of a process. So if you were -- the basis answer  4 to the question is yes. If you have anything  5 major like that, it's a course -- it's a major  6 modification.  7               MR. STOCK: And what I would say,  8 Mr. Hale, this kind of goes back to what I was  9 encouraging with the rules, when we were talking  10 about the rulemaking, that you guys -- the State  11 cites standards for a reason. A lot of this  12 information is already existing in the standards.  13 They define, in very specifics terms, what a major  14 modification is. And so if the most solid ground  15 we can be on with all of this is, like, when we  16 have the rules, just like the statute, and stick  17 to what the statute says as much as possible,  18 unless there's a compelling need to add to that.  19 And I think that said, that I would say that that  20 was just not my opinion. The same is true with  21 the standards. They are written to be able to  22 serve just these kinds of situations.  23               And if we are just advocating for  24 just making sure that the inspectors, the  25 installers, the people who are taking care of the</p>
<p style="text-align: right;">Page 44</p> <p>1 courses are following those standards, we're light  2 years ahead of trying to drill down and get  3 specifics about a specific component. Because the  4 downside of that is if you -- okay. Then all of a  5 sudden, you've got to define what an anchor is.  6 Are we talking about manufacturing anchors,  7 concrete anchors, or -- you know what I mean?  8 Just using the term -- even standards development,  9 just simple as using a term, there's 17 different  10 definitions.  11               So I would just say that the major  12 modification is defined by the standard, and  13 that's kind of what I would encourage us to go  14 with.  15               MR. BAILEY: Mr. Chairman?  16               MR. HALE: Could I ask you a  17 question, Mr. Bailey?  18               MR. BAILEY: Sure.  19               MR. HALE: I'm sorry. You may  20 have --  21               MR. BAILEY: Well, could I make a  22 statement first?  23               MR. HALE: Yes. Do that. You're  24 maybe going to...  25               MR. BAILEY: And first of all, full</p>	<p style="text-align: right;">Page 45</p> <p>1 disclosure, I contributed to the Red Cross this  2 morning, so I'm operating a pint low.  3               And I think when this discussion  4 first came up in the last meeting that I made this  5 point, that what they're requesting is not any  6 kind of a variance from any rule or statute that  7 we have. So the question of whether or not the  8 Unit accepts an inspection, just a routine annual  9 inspection from the designing company of a course,  10 is really an administrative-type decision to make.  11 It's not really a decision for this board to make,  12 respectfully.  13               But I thought the discussion was  14 good, so that, you know, it's all aired out. But  15 this isn't really -- they're not requesting a  16 variance from a certain rule or statute, so it's  17 not really a question that's properly before this  18 board.  19               MR. HALE: And that was where I was  20 going with it. Is this something that we should  21 vote on as being supportive of Mr. Hardy's  22 position, or is this a matter that we need to not  23 take action on so that we are in a neutral  24 position in the event that there is an appeal to  25 his decision?</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. BAILEY: I think that the</p> <p>2 second option is the best.</p> <p>3 CHAIRMAN FOX: Well, that works out</p> <p>4 easy.</p> <p>5 MR. WALKER: It does. There's no</p> <p>6 code to write.</p> <p>7 MR. BAILEY: I didn't want to</p> <p>8 interrupt because it was a good discussion.</p> <p>9 MR. HARDY: We'll take that</p> <p>10 responsibility.</p> <p>11 CHAIRMAN FOX: Okay. The decision</p> <p>12 is yours. Clears that up.</p> <p>13 MR. HALE: Are you with us there,</p> <p>14 Don? Do you see where we went?</p> <p>15 MR. STOCK: I am. Thank you very</p> <p>16 much. I think that's a great decision. I</p> <p>17 appreciate that. I and, I think, most of</p> <p>18 everybody who does what we do have a good</p> <p>19 relationship with the Amusement Device Unit. I</p> <p>20 think they've done an amazing job. And so I'm</p> <p>21 very, very comfortable with that.</p> <p>22 Mostly, we just wanted clarification</p> <p>23 so that we were doing the right thing -- I knew we</p> <p>24 were doing the right thing -- and that we're all</p> <p>25 on a level playing field. That's really kind of</p>	<p style="text-align: right;">Page 47</p> <p>1 what it all comes down to. We just want to make</p> <p>2 sure we're being a part of the process and we have</p> <p>3 regulations that make sense and that hit all the</p> <p>4 targets. And I feel like we're really getting</p> <p>5 there compared to where we started.</p> <p>6 MR. HARDY: Yeah. I would like to</p> <p>7 go ahead and, I guess, say on record, as in the</p> <p>8 words of Chairman Fox, just so that I'm perfectly</p> <p>9 clear, we're going to continue to regulate, to</p> <p>10 issue permits to companies that operate zip lines.</p> <p>11 We're going to continue to accept inspection</p> <p>12 reports on an annual basis as part of the</p> <p>13 permitting requirements, and we'll make the</p> <p>14 determination if we need to go to the site or if</p> <p>15 we need to talk to owners/operators and/or</p> <p>16 inspectors that there was no conflict of interest.</p> <p>17 MR. RADER: Fair enough.</p> <p>18 MR. WALKER: So I'm going to leave</p> <p>19 the public podium. I would just like to say,</p> <p>20 though, that I am here in Tennessee. I've moved</p> <p>21 to Knoxville. And a hundred thousand hours of</p> <p>22 expertise is a long time. I can't claim to have</p> <p>23 that many, but I do have a lot, at least a hundred</p> <p>24 thousand hours in helping to write standards in</p> <p>25 the industry. So if any of you feel like you</p>
<p style="text-align: right;">Page 48</p> <p>1 would like to utilize me as a resource as to what</p> <p>2 happened when the Ski Area Association decided to</p> <p>3 get into developing standards, the ASTM meetings</p> <p>4 that I've sat through. I've worked a lot with Don</p> <p>5 Stock. Looking forward to, you know, being in the</p> <p>6 state of Tennessee and running our course.</p> <p>7 MR. BAILEY: Where is your home</p> <p>8 state?</p> <p>9 MR. WALKER: I came from Colorado.</p> <p>10 So thanks a lot for the hard work you-all do.</p> <p>11 CHAIRMAN FOX: Thank you, sir.</p> <p>12 MR. STOCK: Yes. Thank you, guys,</p> <p>13 for taking time to air this out. It's very</p> <p>14 helpful. I appreciate you.</p> <p>15 CHAIRMAN FOX: All right. Thank</p> <p>16 you, Mr. Stock.</p> <p>17 MR. HARDY: Don, we're going to cut</p> <p>18 you off now, if that's okay, unless you just want</p> <p>19 to hang on.</p> <p>20 MR. STOCK: Oh, yes. I love</p> <p>21 walking up and down the hall on the telephone.</p> <p>22 You-all have a good one and take care. Thank you.</p> <p>23 CHAIRMAN FOX: Thank you.</p> <p>24 All right. Moving right along to</p> <p>25 elevator fee increase. Who is going to talk about</p>	<p style="text-align: right;">Page 49</p> <p>1 that?</p> <p>2 MR. HERROD: Mr. Chairman, I would</p> <p>3 be glad to talk about that.</p> <p>4 CHAIRMAN FOX: Thank you, sir.</p> <p>5 MR. HERROD: It became quite</p> <p>6 evident, when I first became assistant</p> <p>7 commissioner, that one of the issues that we had</p> <p>8 was inspectors, maintaining inspectors and getting</p> <p>9 new inspectors. And Mr. Jackson and Mr. McPherson</p> <p>10 have done a great job in recruiting people, but</p> <p>11 then to maintain that personnel and to be somewhat</p> <p>12 competitive with the industry, we need to increase</p> <p>13 our fees in order to fund that. So what I have</p> <p>14 before you here, you'll see the six different fee</p> <p>15 increases that we propose to the governor's</p> <p>16 office. They have approved it for us to proceed</p> <p>17 with this.</p> <p>18 So on the handout that I have here --</p> <p>19 I did an Excel spreadsheet to show what the</p> <p>20 projected revenue would be. So the biggest</p> <p>21 contributor to the revenue increase are the</p> <p>22 inspection fees, since we do semi-annually, twice</p> <p>23 a year, for every device, then we would realize</p> <p>24 around \$300,000 additional revenue to the State.</p> <p>25 Now, the permits, of course, are --</p>

<p style="text-align: right;">Page 50</p> <p>1 we issue those once a year, so that's \$75,000.</p> <p>2 The bottom half has to do with the growth rate in</p> <p>3 Tennessee. And that can change. That can go up</p> <p>4 or down, obviously.</p> <p>5 Now, the fee increases are at or</p> <p>6 below what the statutes allow. So we're within</p> <p>7 the state -- within the statutes. So I show that.</p> <p>8 The permit fees are only going up</p> <p>9 from \$60 to \$70, a nominal increase. We haven't</p> <p>10 had any rate increases in about ten years, so</p> <p>11 we're not asking a lot, just a little bit. And it</p> <p>12 will go a long way. And, also, the permit fees</p> <p>13 are going from \$55 to \$60. So those two together</p> <p>14 will generate about \$375,000 of the projected</p> <p>15 \$586,000 for an overall increase of 19 percent.</p> <p>16 So what that will do is we have a</p> <p>17 two-pronged approach. The issue was around the</p> <p>18 delinquency rate, which when we came in, it was</p> <p>19 around 15 percent. Mr. McPherson, "operation</p> <p>20 delinquency," has gotten people in the areas that</p> <p>21 need -- the metropolitan areas -- that we've</p> <p>22 driven that down to 7 percent delinquency. But</p> <p>23 it's going to maintain there until we get two</p> <p>24 things: Additional personnel and funding to take</p> <p>25 our salaries up. And what we're looking at is</p>	<p style="text-align: right;">Page 51</p> <p>1 around anywhere from a 10-to-20-percent salary</p> <p>2 increase for our inspectors.</p> <p>3 So we have a two-pronged approach.</p> <p>4 First of all, we have to get approval for these</p> <p>5 rate increases. The State legislature will look</p> <p>6 very favorably upon this if they know that we're</p> <p>7 going to be able to fund the salary increases with</p> <p>8 this. Secondly, we have to get approval from the</p> <p>9 State a separate issue or separate approach is to</p> <p>10 with the 7 percent delinquency rate, they will</p> <p>11 approve additional personnel. So we're going to</p> <p>12 go from 27 inspectors to 31 inspectors, with their</p> <p>13 approval.</p> <p>14 So it's a two-pronged approach.</p> <p>15 We've got to get the people, and then we've got to</p> <p>16 hold the people and keep the people with salary</p> <p>17 increases. So these fee increases will do that.</p> <p>18 So the second step -- we've got the</p> <p>19 governor's office approval -- we need your</p> <p>20 approval, and then Mr. Bailey will tell you how</p> <p>21 the process goes from there. And I'll turn it</p> <p>22 over to him.</p> <p>23 MR. BAILEY: Well, let me say this:</p> <p>24 The first step was getting the governor's office</p> <p>25 to say we're okay with this, proceed. We've got</p>
<p style="text-align: right;">Page 52</p> <p>1 that.</p> <p>2 Because it's a fee increase, we're</p> <p>3 definitely going to have to do a rulemaking</p> <p>4 hearing-type rule, which is different than what we</p> <p>5 just went through. And so any action -- I guess,</p> <p>6 today, I guess what the Division would need is</p> <p>7 that you as a board are okay with us proceeding.</p> <p>8 But I wouldn't call it an official vote on the fee</p> <p>9 increases yet. I think that vote ought to come at</p> <p>10 the rulemaking hearing. And the rulemaking</p> <p>11 hearing can be done as part of a regular board</p> <p>12 meeting. It doesn't have to be a separate</p> <p>13 meeting. But notices will have to go out.</p> <p>14 There's a time frame on when the notices must be</p> <p>15 sent. Like, I would have to file it. I think</p> <p>16 it's 52 days before the meeting with the Secretary</p> <p>17 of State's office so that it can be posted on the</p> <p>18 register.</p> <p>19 Also, the rule requires that any</p> <p>20 affected parties that we know of, which would be</p> <p>21 elevator companies, would need to -- we would need</p> <p>22 to, like, separately inform them of that meeting,</p> <p>23 that at the next board meeting there's going to be</p> <p>24 a rulemaking hearing as part of the agenda for fee</p> <p>25 increases. And then, at that hearing, people</p>	<p style="text-align: right;">Page 53</p> <p>1 would have the right to comment on whether they</p> <p>2 oppose it or support the fee increases, any</p> <p>3 comments, you know, on why they do or don't. And</p> <p>4 then we have to respond to those comments. And</p> <p>5 people can submit comments, the written</p> <p>6 comments -- they don't have to speak. But we as a</p> <p>7 Unit will have to respond in writing to those</p> <p>8 comments, because all of our responses will have</p> <p>9 to be submitted to the Attorney General -- well,</p> <p>10 not the Attorney General, but the Secretary of</p> <p>11 State's office when we submit the rules for</p> <p>12 approval. And then, you know, alternatively, the</p> <p>13 Government Joint Operations Committee, you know,</p> <p>14 will have a hearing. Once we've done the</p> <p>15 rulemaking hearing and all of that has been</p> <p>16 approved, we submit it to the Attorney General's</p> <p>17 office for their approval, as far as the</p> <p>18 constitutionality of it and whatnot. Once they</p> <p>19 get their sign-off, then we would submit it to the</p> <p>20 Secretary of State's office, which they file it on</p> <p>21 the State register. And then within 90 days, the</p> <p>22 government ops committee will have a hearing about</p> <p>23 those rules and those fee increases. And they'll</p> <p>24 be very interested to know what were the public</p> <p>25 comments and that kind of thing before they</p>

<p style="text-align: right;">Page 54</p> <p>1 approve, you know, hopefully approve these rules.  2 But they also have the right to not approve.  3 So that's kind of the nutshell  4 process that we're going to have to go through in  5 order to get these fees increased.  6 CHAIRMAN FOX: So how do you want  7 us to respond? Is this where we take the  8 unofficial vote, or how do you want us to do that?  9 MR. BAILEY: I would just say is  10 there any objection from any of the board members  11 from us proceeding to try to implement these fee  12 increases?  13 MR. LAPORTE: I don't have an  14 objection. I have a question, though. One, in  15 particular, the construction permit application  16 going from \$200 to \$300, is that capped at \$300?  17 MR. HERROD: Let's see. I've got a  18 max there of -- construction permit application.  19 That's based on, with my reading of the law, it is  20 capped at \$300, yes.  21 MR. LAPORTE: What I'm thinking  22 here is on construction permits, I think there's  23 opportunity there. And with the great  24 construction boom that we're seeing in the state  25 of Tennessee, I don't know why the State wouldn't</p>	<p style="text-align: right;">Page 55</p> <p>1 fully benefit from that. With the cost of  2 installing an elevator, an additional \$100 or  3 \$200, making that permit fee \$400 or \$500 would be  4 negligible to the actual cost of putting the  5 elevator in. And that wouldn't be a forever  6 thing, as the construction will one day slow down.  7 If we were going to take advantage of something,  8 this would be the time to do it. And it also  9 wouldn't affect the everyday people with, you  10 know -- the annual permit fees and inspection  11 fees, that's going up a slight amount, but it's  12 certainly a way for the State to recognize on an  13 almost temporary basis quite a bit more revenue,  14 if that's possible, to increase that. And we  15 would also be well within what other states are  16 doing, as far as fees.  17 MR. HERROD: We would have -- the  18 problem is we would have to change the state law,  19 which is a long, drawn-out process. While yeah,  20 the opportunity is there --  21 MR. BAILEY: Yeah, it's capped.  22 MR. HERROD: -- it's capped. We're  23 handcuffed.  24 MR. LAPORTE: Well, I think that's  25 unfortunate. So as this goes through, maybe</p>
<p style="text-align: right;">Page 56</p> <p>1 that's something to consider starting now for the  2 future. Because if we're going to be at the  3 maximum caps, hopefully it's a long time from now,  4 but at some point in the future, we're going to be  5 raising these fees again.  6 MR. HERROD: True.  7 CHAIRMAN FOX: Questions?  8 MR. RADER: Mr. Herrod, the State  9 recognizes fund accounting, so this money, if it  10 went through and we were able to do this, would  11 stay in this department. It wouldn't go to the  12 general fund to be distributed elsewhere, correct?  13 MR. BAILEY: It goes to the general  14 fund, yes.  15 MR. RADER: But it would come  16 back -- I mean, the whole purpose is, to do what  17 you're talking about, is to get good folks and  18 retain them.  19 MR. HERROD: Right. Right.  20 CHAIRMAN FOX: This would be  21 earmarked -- the money would be earmarked back to  22 this particular --  23 MR. HERROD: Well, it would come --  24 you know, we get appropriated money --  25 MR. BAILEY: Right.</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. HERROD: -- and then the  2 revenue that comes in offsets that appropriation.  3 So we revert back to the State a lot every year,  4 but there is a differential there of what they  5 appropriate and what we bring in. So what we want  6 to do is bring that up to where it's at least  7 break even, and then the legislature is happy when  8 they see that. But they're appropriating money,  9 but they're getting money.  10 In effect, it's a net zero. It's not  11 costing them anything.  12 MR. BAILEY: Sure.  13 MR. HERROD: So this is what this  14 will do for us. And it will gives an opportunity  15 to fund salary increases over the next five years,  16 it looks like. And then we'll be ahead of the  17 game instead of playing from behind, I think.  18 CHAIRMAN FOX: So officially, what  19 do you need from us? To do nothing? We're good  20 at that.  21 MR. BAILEY: I guess, my question  22 is, is there any objection to us proceeding to try  23 to increase these fees? And if there isn't, then  24 we'll proceed.  25 CHAIRMAN FOX: Anyone have an</p>

<p style="text-align: right;">Page 58</p> <p>1 objection?</p> <p>2 MR. POPE: Just a question. I'm</p> <p>3 not familiar with all of the elevator stuff and</p> <p>4 things like that, so I'm asking the elevator</p> <p>5 folks. I'll get your opinion on it. Do you think</p> <p>6 this is fair and you're okay with this?</p> <p>7 MR. MCPHERSON: Absolutely, yes.</p> <p>8 MR. JACKSON: Yes.</p> <p>9 MR. POPE: That's all I need to</p> <p>10 know.</p> <p>11 CHAIRMAN FOX: So say you one, so</p> <p>12 say you all.</p> <p>13 All right. Moving right along.</p> <p>14 Under new business, Kris Wedekind, Custom Home</p> <p>15 Technologies and Elite Audio Visual Solutions.</p> <p>16 Who is going to speak? Mr. Hardy, are you going</p> <p>17 to present?</p> <p>18 MR. HARDY: (Nods head.)</p> <p>19 CHAIRMAN FOX: Okay. So gentlemen,</p> <p>20 as you a sit, please speak loudly and state your</p> <p>21 name and your company so this young lady can get</p> <p>22 the information.</p> <p>23 MR. WEDEKIND: Kris Wedekind,</p> <p>24 Custom Home Technologies/Elite Audio Visual</p> <p>25 Solutions.</p>	<p style="text-align: right;">Page 59</p> <p>1 MR. FINCH: John Finch,</p> <p>2 Margaritaville Hotel, 425 Fifth Avenue South,</p> <p>3 Nashville, Tennessee.</p> <p>4 CHAIRMAN FOX: Please proceed.</p> <p>5 Tell us what we need to know, sir.</p> <p>6 MR. WEDEKIND: Well, I submitted a</p> <p>7 document per Michael's request that listed out</p> <p>8 exactly what our plan was, to put in an</p> <p>9 elevator -- or TV in three different elevators at</p> <p>10 the Margaritaville Resort here in Nashville.</p> <p>11 A very simple procedure. We're not</p> <p>12 getting involved with any of the travel trunk. We</p> <p>13 simply tie into it at its point in the cab and tie</p> <p>14 into it at its point in the mechanical rooms on</p> <p>15 the 11th floor. The TV gets mounted to the back</p> <p>16 of the cab. It's a ten-pound TV. We put a</p> <p>17 stainless steel frame around it and can either use</p> <p>18 a safety glass or Lexan, to keep people from</p> <p>19 messing with it, and a speaker in the ceiling of</p> <p>20 the cab.</p> <p>21 CHAIRMAN FOX: Mr. McPherson?</p> <p>22 MR. MCPHERSON: It's a new thing</p> <p>23 for here. It doesn't quite meet what our code</p> <p>24 reads. Under A17 2.14.1.9, it reads an apparatus</p> <p>25 or equipment not used in connection with the</p>
<p style="text-align: right;">Page 60</p> <p>1 function nor use of the elevator shall not be</p> <p>2 installed inside of any elevator car except</p> <p>3 handrails, Patti Hooks, things like that. So it's</p> <p>4 kind of a -- they've allowed picture frames. They</p> <p>5 call it graphic display boards. But this is a big</p> <p>6 55-inch TV, so it's kind of a new thing for us.</p> <p>7 Going to your A17 standards questions,</p> <p>8 and here the question reads, "Apparatus or</p> <p>9 equipment not used in connection with the function</p> <p>10 or use of the elevator shall not be installed in</p> <p>11 any other car, as an example, even an automated</p> <p>12 external defibrillator. And that answer to the</p> <p>13 question is no.</p> <p>14 So they won't allow a defibrillator, so</p> <p>15 we're trying to see how or if we can allow a TV.</p> <p>16 CHAIRMAN FOX: Okay.</p> <p>17 MR. MCPHERSON: So that's kind of</p> <p>18 where we are. We think that where it's going,</p> <p>19 elevators have already been accepted. So if we</p> <p>20 were to accept this, we would have to go back to</p> <p>21 the original safety test to make sure that when</p> <p>22 the elevator falls or emergencies, that the</p> <p>23 elevator -- or the TV would not move, fall, things</p> <p>24 like that.</p> <p>25 CHAIRMAN FOX: This becomes part of</p>	<p style="text-align: right;">Page 61</p> <p>1 the safety process once you put it in there,</p> <p>2 correct?</p> <p>3 MR. MCPHERSON: Yes, sir. Yes,</p> <p>4 sir.</p> <p>5 MR. FINCH: We're fine with that.</p> <p>6 MR. JACKSON: (Indicating.)</p> <p>7 CHAIRMAN FOX: Yes, sir?</p> <p>8 MR. JACKSON: I have -- one of the</p> <p>9 biggest concerns that we have as inspectors is</p> <p>10 keeping these elevators -- making sure elevators</p> <p>11 level properly. The new technology on the</p> <p>12 elevators that these companies are putting in now</p> <p>13 are fantastic. But we still, every once in a</p> <p>14 while, have a leveling problem.</p> <p>15 My concern with installing a TV on</p> <p>16 the back wall of an elevator is that people aren't</p> <p>17 going to be looking down where they're stepping</p> <p>18 anymore. They're going to be looking at that TV.</p> <p>19 If there's a leveling issue at all, they're going</p> <p>20 to trip; therein, we have an incident. That's my</p> <p>21 main concern on putting a huge television set on</p> <p>22 the back of a wall of an elevator.</p> <p>23 Also, if this is granted, this is</p> <p>24 going to become a common standard, and we're going</p> <p>25 to have people coming in and putting televisions</p>

<p style="text-align: right;">Page 62</p> <p>1 on elevators that we're not going to know about  2 until an inspector goes out on a job and sees that  3 on there. And then we're going to have to go in  4 there, write up a citation -- or not a citation,  5 whatever -- it's just going to have to be tested.  6 This includes a drop test, a buffer test. You've  7 got three elevators in your building. All three  8 elevators will have to be turned off during these  9 tests.</p> <p>10 And if they come in and they modify  11 or they change that television out and somebody  12 comes in and they don't -- we don't know if it's  13 changed out. They come in and change this  14 television out, somebody doesn't mount it back up  15 there properly, safety is set on the elevator, you  16 might have a television set that flies off and  17 hits someone.</p> <p>18 So these are the safety concerns that  19 I see. Graphic displays in our definition are the  20 little small displays that they put up over the  21 push buttons. They've been allowed. There's no  22 issue with that because people are stepping on the  23 elevator and there's that graphic display right  24 above the push buttons. When they step off,  25 they're no longer looking at the graphic display;</p>	<p style="text-align: right;">Page 63</p> <p>1 they're looking at where they're exiting the  2 elevator.</p> <p>3 So that's my concerns as the safety  4 part of it. You know, putting a TV on, you know,  5 people are on that elevator 30 seconds. You know,  6 it's, to me -- I'm looking at the safety side, and  7 I don't think it's a safe thing to do. That's my  8 thoughts.</p> <p>9 CHAIRMAN FOX: Okay. Do you-all  10 want to respond?</p> <p>11 MR. FINCH: Yeah, I'd like to  12 respond to that from the operator, the hotel  13 operator's perspective. We have three elevators.  14 The TVs would be mounted on the back wall, so a  15 person in the cab, when the door opens to exit,  16 that will be turned around not facing the TV at  17 all. I think your concern about leveling is  18 valid. We have that once in a while in pretty  19 much every building.</p> <p>20 These things are becoming poplar  21 across the country. We're a national brand, and  22 we actually -- Mr. Wedekind, I met him through --  23 he did the installation in our Orlando  24 Margaritaville hotel.</p> <p>25 MR. WEDEKIND: We did eight</p>
<p style="text-align: right;">Page 64</p> <p>1 elevators there.</p> <p>2 MR. FINCH: Yeah. And we've had  3 absolutely zero problems out of that.</p> <p>4 Our brand is a lifestyle  5 destination-type brand. That's what we sell. And  6 so we won't have the news and stuff like that on  7 it. This is going to be, really, Jimmy Buffett,  8 Margaritaville-themed, you know beach scenes and  9 sail boats and stuff like that. It's all to help  10 our guests enjoy more of the whole lifestyle,  11 which is why they come and visit us.</p> <p>12 We have TVs in the public spaces  13 around the hotel right now that have exactly the  14 same content displayed. And our guests, they just  15 absolutely love it.</p> <p>16 As to the TV being changed out or  17 something, we would honor that just like we would  18 any other maintenance for the elevator. We  19 wouldn't do that ourself. We would not do that  20 with any in-house maintenance staff. We would  21 have a professional come and do that if that were  22 needed.</p> <p>23 These are high-quality TVs. We've  24 had no maintenance problems from the TVs at all  25 that we've installed in Orlando. So I do</p>	<p style="text-align: right;">Page 65</p> <p>1 understand your concerns. From an operator's  2 standpoint, I think we don't see that as a  3 significant safety issue to our guests.</p> <p>4 CHAIRMAN FOX: Any comments?</p> <p>5 MR. BAILEY: (Indicating.)</p> <p>6 CHAIRMAN FOX: Mr. Bailey?</p> <p>7 MR. BAILEY: I was just going to  8 say, before any of the board comments on it,  9 whether or not there's a conflict of interest with  10 anyone. Other than that, I don't have a comment.  11 I mean, basically, what they're requesting is a  12 variance, right?</p> <p>13 CHAIRMAN FOX: Right.</p> <p>14 MR. JACKSON: (Indicating.)</p> <p>15 CHAIRMAN FOX: Yes, sir?</p> <p>16 MR. JACKSON: I'm in agreement with  17 you. When people are stepping off the elevator,  18 it's behind them, but when they're stepping on the  19 elevator, they're looking at it. And you know as  20 well as I do, something that catches somebody's  21 eye, even if they're stepping off, they're going  22 to look back over. Jimmy Buffett starts  23 singing -- and I'm a big Jimmy Buffett fan -- he  24 starts singing or says something or something goes  25 on, they're going to look back over their</p>

<p style="text-align: right;">Page 66</p> <p>1 shoulder. And there again, that's my main  2 concern, is someone tripping, something being out  3 of level and then making them trip.  4 And where I believe you would follow  5 the rules to a tee, but the next person down the  6 road may not. The next company may not.  7 Somebody -- you may not be the next person that  8 installs. It might be a television salesman out  9 here out of West Nashville that says, "Oh, Jimmy  10 Buffett put TVs on their -- or Margaritaville put  11 TVs on their elevators. Well, I'm going to go  12 over here, and I'm going to sell TVs to somebody  13 else." And they go in and just stick anything up.  14 Where you're a reputable company, we don't know  15 who is going to come in behind and start doing the  16 same thing. That's my...  17 MR. FINCH: I would just say that  18 we have a track record with these in other hotels,  19 and we have not experienced a single injury or  20 issue that you're describing.  21 MR. JACKSON: Good. That's good.  22 MR. WEDEKIND: And not just  23 everyone will do this. These TVs are \$8,000  24 apiece.  25 MR. JACKSON: Yours are.</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. WEDEKIND: Yes.  2 MR. MOORE: I have a question.  3 Where do you connect the 110 to?  4 MR. WEDEKIND: That is part of  5 KONE's scope of work that we already are in  6 agreeance with. They are going to supply power  7 inside the attic space, if you will, of the cab.  8 So not on top of the cab, not inside the cab, but  9 in that air space, that's where we pull power  10 from.  11 MR. MOORE: So I'm assuming that's  12 the same 110 that feeds the cab for the cab  13 lighting and --  14 MR. WEDEKIND: Yeah. They have  15 extra circuits ran.  16 MR. JACKSON: No. It's one  17 circuit.  18 MR. WEDEKIND: Oh, it is. Okay.  19 MR. JACKSON: It's only one circuit  20 of 120 volts that feeds the elevator. That covers  21 your cab lighting, your alarm bell. You know, all  22 that falls under that same category.  23 MR. WEDEKIND: We've been through  24 it all with KONE, and everything lines up and --  25 MR. FINCH: Yeah. These TVs are</p>
<p style="text-align: right;">Page 68</p> <p>1 very low drawing, and KONE had said the circuit is  2 adequate to handle it.  3 MR. RADER: Mr. Jackson, the  4 leveling issue --  5 MR. JACKSON: Yes.  6 MR. RADER: -- and maybe the  7 setting of a precedent, those are, kind of, your  8 concerns?  9 MR. JACKSON: Yes, sir. Yes, sir.  10 CHAIRMAN FOX: David was next.  11 MR. HALE: Two questions. The  12 first one is, as far as the device, the television  13 itself, does it have safety cable in so that if  14 there's a failure of the bracket, that there's  15 something that catches that device to keep it from  16 falling, much like stage lighting has a safety  17 cable to keep it -- if the bracket fails, it can't  18 fall all the way down to the stage.  19 MR. WEDEKIND: Yes. And we do the  20 same thing with speakers. The TV is mounted to  21 the back, safety to the back, and then the  22 stainless steel frame that goes around it is  23 mounted to the back. So there's three points of  24 fail proof.  25 MR. HALE: And then my other</p>	<p style="text-align: right;">Page 69</p> <p>1 question is, is has there been any question from  2 the fire code side in reference to these being on  3 the elevators? Does it fall under the Metro fire  4 codes or even under the national fire code  5 standards?  6 MR. JACKSON: No, sir, I don't  7 think it does.  8 MR. HALE: It's not addressed?  9 MR. JACKSON: No, I don't think it  10 is. The cab interior is required by A17 1 to meet  11 certain fire reg codes.  12 MR. HALE: Right. Right.  13 MR. POPE: (Indicating.)  14 CHAIRMAN FOX: James Roy?  15 MR. POPE: I only gathered two  16 things from this. I gathered, if I listened  17 correctly, all elevators are inspected biannually,  18 twice a year?  19 MR. JACKSON: Yes.  20 MR. POPE: So you're looking at  21 less than a six-month period if somebody was to  22 try to put one in, in between, before you caught  23 it.  24 MR. JACKSON: Yes, sir.  25 MR. POPE: And I don't -- like I</p>

<p style="text-align: right;">Page 70</p> <p>1 said, I'm, by no means, an expert on elevators. I</p> <p>2 don't see much difference in having a full-open</p> <p>3 elevator that you're looking at the view than I</p> <p>4 would if you were looking at a TV. That's just a</p> <p>5 layman's position.</p> <p>6 MR. LAPORTE: (Indicating.)</p> <p>7 CHAIRMAN FOX: Mr. LaPorte?</p> <p>8 MR. LAPORTE: I have a couple of</p> <p>9 questions. You say this TV is going to go in a</p> <p>10 frame. Is it inside of an enclosure?</p> <p>11 MR. WEDEKIND: Yes. The TV will be</p> <p>12 completely enclosed in a stainless steel frame.</p> <p>13 MR. LAPORTE: Okay. And you</p> <p>14 mentioned possibly Lexan. That's not allowed by</p> <p>15 code. It has to be Z-rated safety glass.</p> <p>16 MR. WEDEKIND: Then that's what we</p> <p>17 will use.</p> <p>18 MR. LAPORTE: Okay. The corners of</p> <p>19 the frame, any sharp edges?</p> <p>20 MR. WEDEKIND: No.</p> <p>21 MR. LAPORTE: Any kind of lips or</p> <p>22 anything to catch?</p> <p>23 MR. WEDEKIND: (Shakes head.)</p> <p>24 MR. LAPORTE: What would the</p> <p>25 overall depth be?</p>	<p style="text-align: right;">Page 71</p> <p>1 MR. WEDEKIND: Three-quarters --</p> <p>2 MR. BAILEY: I'm sorry. He asked a</p> <p>3 few questions there, and you were shaking your</p> <p>4 head no. We need a verbal answer.</p> <p>5 MR. WEDEKIND: Oh, I'm sorry.</p> <p>6 Thank you for pointing that out.</p> <p>7 One more time, please.</p> <p>8 MR. LAPORTE: Any sharp edges or</p> <p>9 corners --</p> <p>10 MR. WEDEKIND: No sharp --</p> <p>11 MR. LAPORTE: -- on the frame or</p> <p>12 any type of protrusion that would catch -- get</p> <p>13 little kids' fingers caught in? Is it a smooth,</p> <p>14 rounded, flush-to-the-cab wall where it's going to</p> <p>15 mount?</p> <p>16 MR. WEDEKIND: Smooth, rounded</p> <p>17 corners. The glass is behind the stainless steel,</p> <p>18 so there are no glass edges to be felt. It is</p> <p>19 tied against the wall, protrudes three-quarters of</p> <p>20 an inch out past the wall. Another reason why</p> <p>21 someone can't just put a regular TV in there, it</p> <p>22 would stick halfway through the cab.</p> <p>23 I believe that answered all your</p> <p>24 questions.</p> <p>25 MR. LAPORTE: Yes. And just to be</p>
<p style="text-align: right;">Page 72</p> <p>1 clear, the whole enclosure with the Z-rated glass</p> <p>2 and with the TV is only three-quarter of an inch.</p> <p>3 MR. WEDEKIND: Correct. The TV</p> <p>4 itself is less than an eighth of an inch.</p> <p>5 MR. HALE: How high will it be</p> <p>6 mounted inside the cab?</p> <p>7 MR. WEDEKIND: What's that?</p> <p>8 MR. HALE: Height. How high will</p> <p>9 it be mounted inside the cab?</p> <p>10 MR. WEDEKIND: We typically get</p> <p>11 them above the handrails at a viewing point,</p> <p>12 60 inches to center.</p> <p>13 MR. LAPORTE: And what did you say</p> <p>14 the weight is?</p> <p>15 MR. WEDEKIND: 10 pounds.</p> <p>16 MR. LAPORTE: Of the TV and the</p> <p>17 enclosure?</p> <p>18 MR. WEDEKIND: Well, the enclosure,</p> <p>19 TV, glass, probably not even 20.</p> <p>20 MR. LAPORTE: Okay. Well, I would</p> <p>21 suggest, while that doesn't sound like much, I</p> <p>22 mean, if it's behind Z-rated safety glass, that</p> <p>23 meets code requirement; if it's less than an</p> <p>24 inch-and-a-half projection, that meets code</p> <p>25 requirement; if there are no sharp corners to get</p>	<p style="text-align: right;">Page 73</p> <p>1 caught on, that meets code requirement. But we</p> <p>2 certainly don't know loads and reactions. And</p> <p>3 even though these elevators are in service, I</p> <p>4 would say that this would need to require an</p> <p>5 installation permit, and the inspection would</p> <p>6 require a full Category 5 testing.</p> <p>7 MR. WEDEKIND: And if I may, I did</p> <p>8 go through all this with KONE to find out how much</p> <p>9 weight we could add to the elevator after</p> <p>10 everything was said and done, and we are way, way</p> <p>11 under.</p> <p>12 MR. JACKSON: So the weight problem</p> <p>13 was not an issue. That's not an issue.</p> <p>14 MR. WEDEKIND: Okay.</p> <p>15 MR. JACKSON: We don't have an</p> <p>16 issue with that.</p> <p>17 MR. WEDEKIND: Perfect.</p> <p>18 MR. JACKSON: 20 pounds is not --</p> <p>19 MR. WEDEKIND: Yeah.</p> <p>20 MR. JACKSON: -- that's not an</p> <p>21 issue.</p> <p>22 MR. LAPORTE: The issue would be</p> <p>23 the loads and reactions during some type of</p> <p>24 failure.</p> <p>25 MR. WEDEKIND: Sure.</p>

<p style="text-align: right;">Page 74</p> <p>1 MR. LAPORTE: Even a power failure.  2 If the elevator is running full speed in a down  3 direction, it slams on the breaks.  4 MR. WEDEKIND: Yeah.  5 MR. LAPORTE: So 20 pounds, I don't  6 know the type of mounts, screws, and bolts, if  7 they're capable of withstanding what the load is  8 of that 20 pounds when it's under the force of  9 whatever the speed of these elevators are, coming  10 to a dead stop.  11 MR. WEDEKIND: It won't go  12 anywhere.  13 MR. LAPORTE: We need to prove  14 that.  15 MR. WEDEKIND: Absolutely.  16 CHAIRMAN FOX: Any other questions  17 or comments?  18 MR. POPE: How long has this been a  19 process that you-all have done in Orlando?  20 MR. FINCH: They've been in  21 operation about two years.  22 MR. RADER: Who is the elevator  23 company that you use, if you don't mind me asking?  24 MR. WEDEKIND: KONE.  25 CHAIRMAN FOX: Any other questions?</p>	<p style="text-align: right;">Page 75</p> <p>1 MR. LAPORTE: I have another  2 question. What are -- and I read through briefly.  3 So there's a traveling cable requirement?  4 MR. WEDEKIND: That is the travel  5 trunk provided by KONE.  6 MR. LAPORTE: And is that going to  7 be supplied in a completely separate cable?  8 MR. WEDEKIND: We're not touching  9 that at all. Well, let me rephrase that. We're  10 tying into it at the cab site, and we're tying it  11 into the mechanical room side on the 11th floor.  12 MR. LAPORTE: Right. And I  13 understand that you wouldn't be doing that actual  14 connection, but you would be subcontracting it to  15 KONE or whatever elevator company who would come  16 and do this.  17 MR. WEDEKIND: KONE, correct.  18 KONE.  19 MR. LAPORTE: Speaking to the  20 Elevator Unit, in your guys' opinion, I don't know  21 the effects that that would have on the elevator  22 wiring, and I would strongly suggest that you make  23 sure that is in a separate traveling cable on its  24 own only for this television.  25 MR. JACKSON: You don't want any RF</p>
<p style="text-align: right;">Page 76</p> <p>1 frequency. I don't know if it's in shielded  2 cable, and I'm not sure what they have or they  3 were providing out of the traveling cable that is  4 existing.  5 MR. LAPORTE: Impedance induction  6 is --  7 MR. JACKSON: That's what we have  8 to worry about in an elevator control, is the RF  9 interference, because with the technology there,  10 you can nowadays -- it doesn't take a whole lot  11 to -- a signal can mess something up. You know  12 that, in your business.  13 MR. WEDEKIND: Sure. Yeah.  14 Absolutely. And the cables are shielded.  15 CHAIRMAN FOX: Any other questions?  16 Any other comments?  17 MR. HALE: So it's a shielded fiber  18 cable, fiberoptic cable.  19 MR. WEDEKIND: Well, what KONE  20 supplies in the travel cable is a variety of  21 different types of cables, depending -- and they  22 put extra ones in it, which we're going to utilize  23 a couple of them, which are shielded cables. It  24 might be a coax cable; it might be a two-conducted  25 wire. But I do the conversions based on what</p>	<p style="text-align: right;">Page 77</p> <p>1 wires are available to me.  2 MR. LAPORTE: I would require a  3 separate cable.  4 CHAIRMAN FOX: Okay. Any other  5 comments or questions?  6 MR. MOORER: Question about the  7 mounting. If a person is falling and they turn  8 and grab that, is it strong enough to hold  9 somebody?  10 MR. WEDEKIND: Oh, yeah.  11 MR. MOORER: Okay.  12 MR. WEDEKIND: It is stuck tight  13 against the wall. And it would have to be a very  14 tall person.  15 MR. MOORER: They're there.  16 MR. WEDEKIND: Absolutely.  17 MR. MOORER: You always think about  18 the unusual thing.  19 MR. WEDEKIND: Of course.  20 CHAIRMAN FOX: Any other comments  21 or questions?  22 MR. HALE: So this variance, as  23 it's currently proposed, does not meet what you  24 were suggesting, that it be a separate cable,  25 right?</p>

<p style="text-align: right;">Page 78</p> <p>1 MR. LAPORTE: I believe so. Let me 2 read through it again so I can verify that. 3 (Reviews document.) It's not specifying either 4 way. 5 MR. JACKSON: No, it's not. It 6 doesn't specify the connection. And that would 7 be -- I think the cable issue would fall more back 8 on the elevator company themselves on what they 9 would require with what they have existing. 10 Most -- or all elevator companies have a travel 11 cable that runs from the control, loops under the 12 elevator and ties back in. That's where all the 13 wiring connections are made. The shielded wires 14 that are in there as he's talking about would 15 probably suffice. But I think that issue would 16 come back on the elevator company, as far as, 17 okay, if they put this in here, is this going to 18 affect the operation of our elevator. 19 MR. WEDEKIND: That has been 20 confirmed with KONE. 21 MR. JACKSON: That would go back on 22 whatever elevator company, I feel. Because we 23 can't -- that's not something that we can -- I 24 don't know what that cable would do to their 25 elevator.</p>	<p style="text-align: right;">Page 79</p> <p>1 MR. LAPORTE: But I think it falls 2 on the Elevator Unit. If there's a permit and you 3 approve it and there are issues, the safe way 4 would be to put it in a separate cable. 5 MR. JACKSON: Well, here is a 6 company that's doing it and he's saying let's put 7 it in a separate cable, let's say it has to be in 8 a separate cable. If you approve it, if the board 9 approves that, then it would need to be in a 10 separate cable. 11 MR. POPE: Chairman? 12 CHAIRMAN FOX: Sir? 13 MR. POPE: One question. In 14 Florida they did this. I'm assuming that our 15 Tennessee code follows a national code? Is 16 that -- is there a national elevator code? 17 MR. JACKSON: Yes, sir. 18 MR. POPE: Okay. So our Tennessee 19 code basically follows that? 20 MR. JACKSON: Each state has their 21 own regulation requirements and what they will 22 accept and will not accept. I called the chief 23 inspector in the state of Kentucky, when this 24 first came up, and I -- because I'd never heard 25 this type of application -- and I called him and I</p>
<p style="text-align: right;">Page 80</p> <p>1 asked him, I said, "Have you ever had anyone 2 approach you about installing a 55-inch square TV 3 on the back of the elevator?" And he said, "No, 4 and they won't." 5 So, I mean, that's all I'm going by. 6 So each state adopts what and how -- 7 MR. POPE: And that brings me to my 8 next question. Did you guys have to go through a 9 special variance in Florida to do this, or is 10 it -- 11 MR. WEDEKIND: No. 12 MR. JACKSON: You just went in 13 there and did it. 14 MR. WEDEKIND: No. We worked with 15 KONE. 16 MR. BAILEY: I'm sorry. His 17 question was did you have to go through a variance 18 in Florida, and the answer is... 19 MR. WEDEKIND: No. 20 MR. BAILEY: Thank you. 21 MR. JACKSON: Did you approach an 22 elevator -- I mean, we caught this. We found out 23 this was going to happen. So if we hadn't caught 24 wind of this as inspectors, as an inspecting unit, 25 those TVs would be on the back of that elevator</p>	<p style="text-align: right;">Page 81</p> <p>1 right now. 2 MR. FINCH: Well, excuse me, sir. 3 Just to correct the record, I personally 4 instructed our contractor to call you guys and 5 tell you we're thinking about this and ask you 6 what you thought about it. 7 MR. JACKSON: My mistake, if 8 that's -- 9 MR. FINCH: So this was not 10 something we tried to pull over on anybody. 11 MR. JACKSON: No, no. I'm not 12 saying -- 13 MR. FINCH: I personally instructed 14 them to do that. 15 MR. BAILEY: Don't have two people 16 talking at one time, please. 17 MR. JACKSON: My mistake. If I 18 misspoke on that, that was my mistake. I was 19 under the impression that one of our inspectors 20 had been told they are going to be putting TVs on 21 the back. That was the way that it came to me. 22 MR. FINCH: My guess is one of the 23 contractor's field people probably talked to your 24 inspector in the field early on, and asking him. 25 That was after I told them to get with the</p>

<p style="text-align: right;">Page 82</p> <p>1 inspector, the elevator people, and make sure they 2 would be okay with it.</p> <p>3 MR. JACKSON: No, sir. This was a 4 KONE representative on the job that was installing 5 the elevator, advised one of my inspectors, and 6 that came back to me.</p> <p>7 Now, you may have -- you know, it may 8 have gone around the world, but that's the way 9 that I got word of it.</p> <p>10 MR. FINCH: Sure.</p> <p>11 MR. JACKSON: But regardless, I 12 mean, did the State Elevator Inspecting Board in 13 Florida know you installed these TVs on the back 14 of an elevator?</p> <p>15 MR. WEDEKIND: KONE did and the 16 inspectors of the hotel did.</p> <p>17 MR. JACKSON: But it did not go in 18 front of a board or anything.</p> <p>19 MR. WEDEKIND: No. The hotel was 20 signed over and asked and opened.</p> <p>21 CHAIRMAN FOX: But ultimately, did 22 it have State approval, the TVs, in the State of 23 Florida?</p> <p>24 MR. FINCH: Well, the State of 25 Florida approved the elevator installation, and</p>	<p style="text-align: right;">Page 83</p> <p>1 licensed us to operate them and that sort of 2 thing, so I'm presuming the answer is yes.</p> <p>3 CHAIRMAN FOX: Mr. Farmer, you had 4 your name up back there?</p> <p>5 MR. FARMER: Yeah. I was --</p> <p>6 CHAIRMAN FOX: Please state your 7 name clearly and loudly there.</p> <p>8 MR. FARMER: It's Chris Farmer. 9 I'm an outsider now, but I do want to give my two 10 cents' worth. I don't really see a problem with 11 the application of this TV as long as it's 12 installed correctly and tested. I think what the 13 State would need to do is send a memo out to all 14 the elevator companies, because they're not going 15 to be able to do this without the elevator companies' 16 help, and warn the elevator companies that if 17 you're installing this, it needs to be tested 18 before it's turned back over to the public. So 19 that would be on the State to send that out to all 20 the elevator companies. That's just one 21 suggestion.</p> <p>22 And I don't -- Mike said something, 23 and I agree with him. I don't believe the 110 24 needs to be --</p> <p>25 MR. BAILEY: Mike who?</p>
<p style="text-align: right;">Page 84</p> <p>1 MR. FARMER: Mike Church.</p> <p>2 MR. CHURCH: Mike Church. I'm with 3 KONE Elevator.</p> <p>4 MR. FARMER: I don't believe the 5 110 needs to be shared with a cab light disconnect 6 or the cab lights and the outlets. I think it 7 needs to be in a separate traveling cable or a 8 separate cable of itself, a total 110 disconnect 9 for it. Because they do require, like, if you put 10 an air-conditioning or any other type of device, 11 it has to have its own 110 outlet or a 110 feeder. 12 So it's just a suggestion, just sitting here 13 listening.</p> <p>14 CHAIRMAN FOX: Okay. Are there any 15 other questions, any other comments?</p> <p>16 (No verbal response.)</p> <p>17 CHAIRMAN FOX: All right. So I'm 18 going to ask that we entertain a motion one way or 19 the other either to grant the variance or not, and 20 then once we get a motion and a second, if anyone 21 has a conflict, they need to state it at that 22 time, before we vote.</p> <p>23 So what would be the pleasure of the 24 board?</p> <p>25 MR. RADER: I make a motion we</p>	<p style="text-align: right;">Page 85</p> <p>1 approve the variance.</p> <p>2 MR. MOORE: I second.</p> <p>3 CHAIRMAN FOX: We have a motion and 4 a second.</p> <p>5 Any additional discussion?</p> <p>6 MR. HALE: Does that include 7 requiring separate electrical circuits?</p> <p>8 MR. RADER: Yes.</p> <p>9 MR. HALE: And travel cable for 10 the --</p> <p>11 MR. JACKSON: And testing.</p> <p>12 MR. HALE: -- audio and -- 13 actually, the audio and video both, right?</p> <p>14 Because if I read this, there's a two-wire speaker 15 circuit coming in, as well as a video circuit, 16 right?</p> <p>17 MR. WEDEKIND: Correct.</p> <p>18 MR. HALE: A fiber circuit for 19 video.</p> <p>20 CHAIRMAN FOX: Okay. So you 21 seconded it, correct?</p> <p>22 MR. HALE: No, I did not.</p> <p>23 MR. MOORE: I did.</p> <p>24 CHAIRMAN FOX: Oh, I'm sorry. You 25 did. All right. So do you gentlemen accept --</p>

<p style="text-align: right;">Page 86</p> <p>1 well, first of all, you need to accept what he 2 said as an amendment to the second. 3           You have to repeat it verbatim. For 4 the record, it needs to be -- 5           MR. BAILEY: The motion needs to be 6 amended to state the things that Mr. Hale just 7 stated, that it's approved -- 8           MR. HALE: I make a motion to 9 amend. 10           MR. BAILEY: -- it's approved 11 contingent upon all these things taking place. 12           CHAIRMAN FOX: That's where I was 13 headed. 14           MR. BAILEY: Okay. Sorry. 15           CHAIRMAN FOX: But I want to make 16 sure that he accepts it and that Mitch accepts it. 17           MR. MOORE: Can we go over those 18 things again? 19           MR. HALE: That a separate 20 110 circuit be required to operate the television 21 and associated devices that would go with the 22 television, and that the audio and video be a 23 separate travel cable. 24           MR. MOORE: Well, I -- okay. Then 25 let's back up. I'm sorry. My main purpose in</p>	<p style="text-align: right;">Page 87</p> <p>1 life is maintaining elevators. The more stuff 2 that's in a hoistway, the more concern I have for 3 my people getting tripped and whatever. And, you 4 know, I know the included travel cable is not an 5 issue, but if you start adding a another one, 6 could that create a bigger hazard for my 7 personnel. And I guess it could be wire-tied to 8 that. I don't know. 9           Vic, have you ever experienced that 10 before, where there's a separate travel cable for 11 anything else? 12           MR. LAPORTE: Yes. Typically, on 13 security and on the scopes like that. So the 14 number of traveling cables, if you get to a large 15 number, then you may have some counter-balance 16 weight issues. One traveling cable is not going 17 to affect that. As long as the traveling cable is 18 properly sized and hung, which the Elevator Unit 19 will inspect, there should be absolutely no issue 20 with doing a separate traveling cable. 21           MR. MOORE: Then yes, I am behind 22 that. 23           CHAIRMAN FOX: You're going to 24 accept that amendment to your second. And you 25 will accept --</p>
<p style="text-align: right;">Page 88</p> <p>1           MR. RADER: And I'll accept that. 2           CHAIRMAN FOX: Okay. 3           MR. LAPORTE: That will include a 4 Category 5 test during the acceptance. 5           MR. MOORE: And I accept that also. 6           CHAIRMAN FOX: Okay. Any other 7 discussion? 8           (No verbal response.) 9           CHAIRMAN FOX: Are there any 10 conflicts? 11           (No verbal response.) 12           CHAIRMAN FOX: KONE would be 13 installing? 14           MR. LAPORTE: This is not our 15 product, and we're not -- KONE is not doing the 16 entire install. This is not -- although it's in 17 my territory, I'm not directly involved with this 18 office or the installation. We're assisting the 19 audiovisual company who is -- or audio/video 20 company who is doing the installation just by 21 doing connections in this travel cable. 22           CHAIRMAN FOX: Okay. Any other 23 discussion? 24           MR. BAILEY: I would say -- and I 25 understand it's up to you to declare whether</p>	<p style="text-align: right;">Page 89</p> <p>1 there's a conflict, and you don't feel like there 2 is a conflict, but just for the appearance 3 purposes, I think it would be best if you abstain 4 on this vote, just because it is -- it's been 5 stated several times KONE is the company, and 6 you're with KONE. 7           MR. LAPORTE: I am with KONE. 8           MR. BAILEY: So it's an appearance 9 thing. You don't have to, but I would suggest 10 that you do. 11           MR. LAPORTE: I'm happy to recuse 12 myself from this vote. 13           CHAIRMAN FOX: So your official 14 position would be an abstention? 15           MR. LAPORTE: Yes, sir. 16           CHAIRMAN FOX: Okay. That being 17 said, all in favor of the motion, let it be known 18 by saying aye. 19           (Affirmative response.) 20           CHAIRMAN FOX: All opposed, like 21 sign. 22           (No verbal response.) 23           CHAIRMAN FOX: With one abstention. 24 Okay. Motion passes. 25           MR. FINCH: Thank you.</p>

<p style="text-align: right;">Page 90</p> <p>1 MR. WEDEKIND: Thank you very much.</p> <p>2 CHAIRMAN FOX: All right.</p> <p>3 Mr. Kevin Loftus?</p> <p>4 Gentlemen, state your names, the</p> <p>5 company you are with and please speak loudly, sir.</p> <p>6 MR. LOFTUS: Kevin Loftus. I'm</p> <p>7 with Gensler Architects.</p> <p>8 MR. SMITH: Kent Smith with Boyle</p> <p>9 Investment Company.</p> <p>10 MR. LOFTUS: And I am here today to</p> <p>11 discuss and apply for a variance to approve our</p> <p>12 existing condition of elevator control room</p> <p>13 access. This is in response to the code ASME17,</p> <p>14 and the code number is 2.7.3.2 in regards to</p> <p>15 passage across the roof.</p> <p>16 I'll skip down to 2.7.3.2.1, which</p> <p>17 states, "A stairway with a swinging door and</p> <p>18 platform at the top level conforming to 2.7.3.3</p> <p>19 shall be provided from the top floor of the</p> <p>20 building to the roof level. Hatch covers, as a</p> <p>21 means of access to the roof, shall not be</p> <p>22 permitted."</p> <p>23 This is in reference to how you</p> <p>24 access the elevator control room. In our current</p> <p>25 condition, we have our elevator control room</p>	<p style="text-align: right;">Page 91</p> <p>1 located on the penthouse of a seven-story</p> <p>2 building, and the access is currently through the</p> <p>3 egress stair to the roof out of an access hatch.</p> <p>4 You would then walk across the roof into the</p> <p>5 enclosed penthouse.</p> <p>6 So this is the violation that we have</p> <p>7 with this code. Our stance is that due to our</p> <p>8 large access hatch, due to our four-foot-wide</p> <p>9 stair as the means of access to this roof,</p> <p>10 although it is an access hatch, access is given</p> <p>11 rather easily and is probably even better than</p> <p>12 what would be used for a bulkhead and a swinging</p> <p>13 door, which is directly stated in the code.</p> <p>14 I think, and my interpretation would</p> <p>15 be that the code is speaking to a smaller access</p> <p>16 hatch, a four by four, which is more typical of</p> <p>17 what you'd see for roof access, where we have a</p> <p>18 14-foot-long by 6-foot-wide access hatch, almost</p> <p>19 the width of the stair and the length of the stair</p> <p>20 that you'd walk up. So, you know, it provides a</p> <p>21 level of ease to walk straight up the stair, open</p> <p>22 the door, step right out onto the roof. At that</p> <p>23 point, you'd walk across the roof, open a door,</p> <p>24 and you'd be in the enclosed penthouse with a</p> <p>25 roof, a heater, a cooler. And at that point, you</p>
<p style="text-align: right;">Page 92</p> <p>1 would access the controls, if you were an elevator</p> <p>2 inspector.</p> <p>3 So that's the variance that we're</p> <p>4 asking for. There have been state officials out</p> <p>5 that have seen this condition. They have</p> <p>6 inspected it. We've been in communication with</p> <p>7 them. And that's why we're here today, to present</p> <p>8 this in front of all of you.</p> <p>9 Safety is of our utmost concern here,</p> <p>10 so this is -- you know, we're here to ask for a</p> <p>11 variance and to be part of a discussion as well.</p> <p>12 We -- our access door currently has a latch on the</p> <p>13 inside and a latch on the outside. So one of the</p> <p>14 main concerns, from what I gather, is that the</p> <p>15 inspectors could potentially get locked outside</p> <p>16 while they come up the access. And then they're</p> <p>17 servicing the controls, someone sees that hatch is</p> <p>18 open and they close it and then they lock it.</p> <p>19 Our condition would not allow that.</p> <p>20 Because of the access hatch's size, you know, it's</p> <p>21 not something that would be regularly left open,</p> <p>22 as well as having the handle and latch from the</p> <p>23 exterior. Even if that door was closed, you would</p> <p>24 be able to open that from the exterior.</p> <p>25 There is, currently -- you know, you</p>	<p style="text-align: right;">Page 93</p> <p>1 could -- it has an eyelet for a padlock that's</p> <p>2 there, but we're more than willing to remove that</p> <p>3 in order to ensure that there's no possible way to</p> <p>4 lock this hatch from the inside. So we think</p> <p>5 addressing lockable concerns like that and,</p> <p>6 basically, the size of the hatch and the stairway</p> <p>7 and the ease that you access our roof, we think</p> <p>8 that this would constitute for a variance.</p> <p>9 CHAIRMAN FOX: Mr. McPherson?</p> <p>10 MR. MCPHERSON: I think,</p> <p>11 originally, you know, we were kind of -- it goes</p> <p>12 against code. However, we did go out. Our</p> <p>13 inspector did accept it. Also, they had</p> <p>14 another --</p> <p>15 MR. JACKSON: May I make a</p> <p>16 correction?</p> <p>17 MR. MCPHERSON: Please.</p> <p>18 MR. JACKSON: I'm sorry.</p> <p>19 MR. MCPHERSON: Go ahead.</p> <p>20 MR. JACKSON: I didn't accept it.</p> <p>21 I brought it to their attention and got a letter</p> <p>22 from them stating that if the board did not</p> <p>23 approve a variance, that they would come up with</p> <p>24 another solution. So the job has not been</p> <p>25 completed, finished. I've got two elevators I'm</p>

<p style="text-align: right;">Page 94</p> <p>1 going to finish tomorrow, but I just didn't want  2 you to think that we'd already approved the  3 elevators to that point, but...</p> <p>4 MR. MCPHERSON: They ceased on the  5 other one. So they ceased on the other one, so we  6 do feel that we can probably give this variance.</p> <p>7 CHAIRMAN FOX: So you're going --</p> <p>8 MR. MOORE: Mr. McPherson, would it  9 be possible to get those pictures passed around?</p> <p>10 CHAIRMAN FOX: Sure.</p> <p>11 MR. MOORE: It wasn't in the  12 packet.</p> <p>13 MR. POPE: Chairman, while he's  14 doing that --</p> <p>15 CHAIRMAN FOX: Sir?</p> <p>16 MR. POPE: Is this an operating  17 elevator in the past or is this retro fit, or is  18 this just a new install or...</p> <p>19 MR. JACKSON: This is a new  20 installation. I went out to -- I actually  21 inspected these elevators and caught this when I  22 came up. The building was already completed.</p> <p>23 They didn't do this out of malice.  24 It was just missed in the codes. He had another  25 building in Brentwood that's going up right now,</p>	<p style="text-align: right;">Page 95</p> <p>1 and as soon as -- he had the same hatch -- and as  2 soon as he found out that that building didn't  3 meet code, they addressed the issue. They  4 actually moved the controllers down to another  5 level so that this access point -- the access to  6 the roof was eliminated. That's not even a  7 concern of ours anymore. So as soon as they found  8 out that this was something that wasn't meeting  9 code, they corrected it on the next building. At  10 this point, their building was already topped out.  11 I caught it when I went in. That's when I caught  12 it. So --</p> <p>13 MR. MCPHERSON: I misunderstood.</p> <p>14 MR. JACKSON: That's all right. We  15 feel like -- we feel like they recognized the  16 issue they corrected on another building that is  17 actually under construction at this time. They  18 corrected that issue immediately.</p> <p>19 MR. RADER: So it's not related to  20 the elevator; it's just the hatch, the access.</p> <p>21 MR. JACKSON: It's the access to  22 the elevator, which code says you can --</p> <p>23 MR. RADER: Well, you can drive a  24 truck through that.</p> <p>25 MR. POPE: Chairman, if I may?</p>
<p style="text-align: right;">Page 96</p> <p>1 CHAIRMAN FOX: Sir?</p> <p>2 MR. POPE: For time purposes, I  3 would like to make a motion that we make accept  4 this variance with the approval of the inspectors.  5 And, also, that they --</p> <p>6 MR. MOORE: Can I stop you?</p> <p>7 CHAIRMAN FOX: We now have  8 discussion.</p> <p>9 MR. MOORE: And I'm sorry. But  10 with the hatch -- and I agree that's probably the  11 best hatch I've ever seen, but, also, one reason  12 why I wanted to see that picture, it's not just  13 the access and egress from that that is the  14 hazard. It's also an open hatch on a dark roof.  15 If there's no handrail around that, I mean, that's  16 as big a hazard as -- I would rather get stuck on  17 a roof as to fall down a hatch, so...</p> <p>18 And I didn't see a handrail on there.  19 I do realize that that one door does open up, and  20 appears to be very well designed and built. And  21 if there was a handrail, I'm fine with it, but  22 without a handrail there, the elevator mechanic or  23 inspector could -- and granted, it's probably not  24 going to happen, but you have to look at the  25 possibilities.</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. LAPORTE: To add to that, the  2 14-foot hatch could also be a problem. What's the  3 weight of that hatch?</p> <p>4 MR. LOFTUS: The door is sized and  5 hinged with hydraulic hinges that the ease of  6 opening this is not an issue.</p> <p>7 MR. LAPORTE: Okay. So what's the  8 weight of the hatch?</p> <p>9 MR. LOFTUS: I'm not entirely sure  10 on the full weight.</p> <p>11 MR. LAPORTE: I've had many, many,  12 many people hurt over the years with these type of  13 hatches. And I realize it's new, and right now  14 the hydraulics systems on it work great. They do  15 wear out. They leak. There's issues -- although  16 it doesn't happen much here, it snows in  17 Nashville, that additional weight and trying to  18 push up. Cold weather and rain, they freeze.  19 Besides hatches coming down on people, I've had  20 back strains and sprains. I've had just a  21 tremendous amount of injuries due to hatches.</p> <p>22 It looks like, if I can make a  23 suggestion -- maybe I'm wrong on this, so I guess  24 I'm asking a question. But this cooler unit or  25 whatever is next here, height is not a problem.</p>

<p style="text-align: right;">Page 98</p> <p>1 Would it be a great-big problem to build what I 2 would call a dog house or a penthouse above this 3 with a regular exit door, then? 4 MR. LOFTUS: That would be one 5 other solution that we've looked at. I think that 6 because it's a stair that comes up to there, I 7 think that's one of the -- to address, maybe, one 8 of your first concerns, it's not a 60-degree 9 access ladder. It's more of a stair on a general 10 incline. So ability to open and ability not to, 11 you know, be at a strange angle to open it, I 12 think that concern is slightly addressed. 13 We have looked at the dog house 14 approach. It would involve adding extra structure 15 to the roof in order to support the dog house 16 structure to be on there. 17 MR. LAPORTE: But I would guess 18 it's probably not a huge modification. We're not 19 talking a tremendous amount of weight with the dog 20 house structure, are we? 21 MR. LOFTUS: Because of the 22 equipment around it, the dog house can't just be 23 the size of that opening. We'd have to actually 24 enlarge that dog house, put a roof on that, and 25 that would require additional steel and additional</p>	<p style="text-align: right;">Page 99</p> <p>1 roof openings. 2 MR. LAPORTE: Well, this is -- you 3 might correct me -- this is wider than the code 4 currently allows. I mean, you could frame inside 5 of this, and because it's a regular staircase, it 6 wouldn't be a huge problem to -- you have a 7 landing here existing already, correct? It's 8 36-inch door, is what's required? Do you know, 9 offhand? 10 (No verbal response.) 11 MR. LAPORTE: Yeah. So I believe a 12 36-inch standard door opening is what's required. 13 If you could build a dog house within that, that 14 might help you out some. But I -- like I said, 15 due to past experience with just a tremendous 16 amount of injuries, I think that would be a much 17 safer way for any personnel going up on this roof, 18 whether it's elevator inspectors or anybody else 19 working. 20 And I think you understand my point 21 about the weight of it. Access-wise, as far as 22 getting equipment through and everything, that's 23 great. But, you know, I'm worried about 5, 10, 24 15 years from now when the hydraulics are worn 25 out, when there's snow on top of it, or it's</p>
<p style="text-align: right;">Page 100</p> <p>1 frozen shut. 2 MR. HERROD: Mr. Chairman? 3 CHAIRMAN FOX: Sir? 4 MR. HERROD: In looking at that 5 picture, one thing I know from my previous life 6 with TOSHA, Tennessee OSHA, is that size of 7 handrail going up, they'll need a guardrail around 8 that opening. So I suggest that they contact 9 Consultative Services and send somebody out there 10 to look at that, because you have employee 11 exposure. They can recommend the type of 12 guardrail, and as long as they do that, there 13 won't be any monetary penalties associated with 14 that. But they need to go through Consultative 15 Services to get that. 16 MR. BAILEY: Yeah, TOSHA 17 Consultative Services. 18 MR. HERROD: TOSHA Consultative 19 Services. 20 CHAIRMAN FOX: Any other comments? 21 (No verbal response.) 22 CHAIRMAN FOX: Okay. So are 23 you-all -- okay. This is one reason I love to sit 24 on this board. The people sitting around this 25 table have the experience, and they -- it's just</p>	<p style="text-align: right;">Page 101</p> <p>1 great to be able to go to them for resources and 2 hear what they have to say. It's very important. 3 Now, with that being said, we have a 4 motion and second. All in favor of the motion, 5 let it be known by saying aye. 6 (Affirmative response.) 7 CHAIRMAN FOX: All opposed, like 8 sign. 9 MR. LAPORTE: I oppose. 10 CHAIRMAN FOX: The vote carries 11 with one against. 12 Now, you're good to go. 13 MR. SMITH: Thank you. 14 MR. LOFTUS: Thank you very much 15 for your time. 16 MR. BAILEY: What Mr. Herrod was 17 telling you, the TOSHA consultation, because if 18 one of the TOSHA inspectors are out there and they 19 see people up there working on that roof and an 20 opening that's unguarded, they're going to cite 21 you. So you if get consultation to help you with 22 that, you won't have a problem. 23 MR. LOFTUS: Okay. Yeah, I think 24 I'd keep in touch and I'd work with consultation 25 and, you know, finalize the inspection with them,</p>

<p style="text-align: right;">Page 102</p> <p>1 with you, Mr. Jackson. We'll make sure we have  2 everything needed. Thank you very much.  3 CHAIRMAN FOX: That was painful but  4 it worked.  5 All right. Moving right along.  6 MR. CHURCH: May I approach? I  7 think I'm the last one on the agenda today.  8 CHAIRMAN FOX: Go ahead.  9 We kind of went back and forth there,  10 but that's okay, because again, that's the beauty  11 of having people on this board with the experience  12 that they have and the resources that they bring.  13 I sincerely appreciate that.  14 Mr. Church, please state your name  15 and the company you work for, sir.  16 MR. CHURCH: Yeah. My name is Mike  17 Church. I'm with KONE Elevator.  18 MR. LAPORTE: Mr. Chairman?  19 CHAIRMAN FOX: Yes?  20 MR. LAPORTE: This particular  21 matter I do need to recuse myself from.  22 CHAIRMAN FOX: And that was my next  23 question.  24 MR. CHURCH: Are we ready?  25 CHAIRMAN FOX: Please proceed, sir.</p>	<p style="text-align: right;">Page 103</p> <p>1 MR. CHURCH: All right. I'm going  2 to read off the note I sent in on the variance.  3 You probably have it in front of you. I'm not  4 certain.  5 KONE has requested and was granted a  6 variance to install machine-roomless traction  7 elevators in seven projects this last year. This  8 variance allowed KONE to install traction  9 elevators in an existing elevator shaft with a  10 48-inch pit and allow a reduction of the car apron  11 guard from 48 inches to 39.5 inches.  12 The board accepted, on the past  13 variances, that the 39.5-inch car apron provided  14 sufficient protection of the hoistway door opening  15 if an elevator unintentionally moved away from the  16 landing.  17 KONE is requesting the same variance  18 to allow a 39.5-inch apron guard and to use the  19 existing pits without modifications on the  20 following projects: Stadium Inn in Nashville,  21 Tennessee, replacing two eight-stop hydraulic  22 elevators with machine-roomless traction  23 elevators; the City of McMinnville, McMinnville,  24 Tennessee, replacing a three-stop hydraulic  25 elevator with a machine-roomless traction</p>
<p style="text-align: right;">Page 104</p> <p>1 elevator; Tennessee Wildlife Resources Agency,  2 here in Nashville, for replacing one hydraulic  3 elevator with a traction machine-roomless  4 elevator; and Knoxville Beverage, where we're  5 installing a new traction machine-roomless  6 elevator and existing shaft. That's it.  7 CHAIRMAN FOX: Gentlemen?  8 MR. JACKSON: The Stadium Inn, the  9 City of McMinnville, and the Tennessee Wildlife  10 Resource Agency, the pit variance on those, I  11 don't see an issue on that.  12 One question, Mike. The Knoxville  13 Beverage with Brownlee Construction, I got an  14 email -- Mike got an email, excuse me -- he got an  15 email from Matthew Zane.  16 MR. CHURCH: Yes. Matthew works  17 for our office in Knoxville.  18 MR. JACKSON: And I'm going to read  19 his email that you sent to Mike. "We have an  20 empty shaft that was designed to be a hydraulic  21 elevator when the building was built. The company  22 never pulled the trigger on installing an elevator  23 until now. We bit a traction car with a machine  24 and a hoistway and the machine room on the first  25 floor adjacent/left of the entrance. Dealing with</p>	<p style="text-align: right;">Page 105</p> <p>1 a reduced overhead and pit, looking for a variance  2 to allow the use of a smaller toe guard and  3 collapsible top of car handrails.  4 You're requesting a variance for the  5 pit --  6 MR. CHURCH: That's correct.  7 MR. JACKSON: -- but nothing was  8 mentioned on reduced overhead clearance.  9 Collapsible handrails, we don't accept collapsible  10 handrails.  11 MR. CHURCH: Correct.  12 MR. JACKSON: So is that something  13 that's changed since this bid has gone further or  14 since you've gotten more information on this job?  15 MR. CHURCH: Tommy, I would have to  16 check with Matthew on that one. I can't answer  17 for him.  18 MR. JACKSON: Right. Because --  19 MR. CHURCH: But I will certainly  20 check with him.  21 MR. JACKSON: Given the variance on  22 the pit, in my opinion, is something that  23 everybody is pretty well working along, but I'm  24 not in favor of reducing the overhead clearance at  25 the same time we're giving you a variance on the</p>

<p style="text-align: right;">Page 106</p> <p>1 pit.</p> <p>2 MR. CHURCH: I agree. And</p> <p>3 typically, we don't put the collapsible guardrail</p> <p>4 on the top.</p> <p>5 MR. JACKSON: Right.</p> <p>6 MR. CHURCH: We can fit in a</p> <p>7 12-foot, 4-inch overhead with our equipment</p> <p>8 without a collapsible handrail. So I'll talk to</p> <p>9 Matthew and get that squared away with him.</p> <p>10 MR. JACKSON: Right. So that was</p> <p>11 my issues on that one site. And that was the</p> <p>12 Knoxville Beverage in Knoxville.</p> <p>13 MR. RADER: So Tommy, to be clear,</p> <p>14 you're okay with the variance for the three</p> <p>15 projections, the Stadium and the City of</p> <p>16 McMinnville and TWRA, and the pit for Knoxville</p> <p>17 Beverage. But beyond that, on this particular</p> <p>18 site, you're not okay with collapsible handrails</p> <p>19 and the other things --</p> <p>20 MR. JACKSON: Correct. Yes, sir.</p> <p>21 Reduced -- if they do have a reduced overhead</p> <p>22 clearance, I'm not in favor of that. And like I</p> <p>23 said, your collapsible handrails do not meet code.</p> <p>24 Clarification on that?</p> <p>25 CHAIRMAN FOX: Please.</p>	<p style="text-align: right;">Page 107</p> <p>1 MR. JACKSON: Okay. All right. On</p> <p>2 the Stadium Inn -- do you want to address these</p> <p>3 one at a time?</p> <p>4 CHAIRMAN FOX: Yes, sir.</p> <p>5 MR. JACKSON: The Stadium Inn,</p> <p>6 they're requesting a pit variance, reduced toe</p> <p>7 guard for 39.5 inches.</p> <p>8 CHAIRMAN FOX: And you recommend</p> <p>9 that.</p> <p>10 MR. JACKSON: We're fine with that.</p> <p>11 The board has approved that in the past.</p> <p>12 CHAIRMAN FOX: Okay. So again, we</p> <p>13 need a motion and a second on that, right?</p> <p>14 MR. POPE: I make a motion we grant</p> <p>15 this variance.</p> <p>16 MR. MOORE: I second.</p> <p>17 CHAIRMAN FOX: We have a motion and</p> <p>18 a second. Any discussion?</p> <p>19 (No verbal response.)</p> <p>20 CHAIRMAN FOX: Hearing none, all in</p> <p>21 favor of the motion, let it be known by saying</p> <p>22 aye.</p> <p>23 (Affirmative response.)</p> <p>24 CHAIRMAN FOX: All opposed, like</p> <p>25 sign.</p>
<p style="text-align: right;">Page 108</p> <p>1 (No verbal response.)</p> <p>2 MR. BAILEY: And we have one</p> <p>3 abstaining.</p> <p>4 CHAIRMAN FOX: And one abstention.</p> <p>5 MR. JACKSON: City of McMinnville,</p> <p>6 same request, requesting a variance on the pit</p> <p>7 depth, installing a 39.5-inch apron guard. Fine</p> <p>8 with that.</p> <p>9 MR. POPE: I make a motion we grant</p> <p>10 that variance.</p> <p>11 CHAIRMAN FOX: We have a motion.</p> <p>12 MR. HALE: Second.</p> <p>13 CHAIRMAN FOX: We have a second.</p> <p>14 Any discussion?</p> <p>15 (No verbal response.)</p> <p>16 CHAIRMAN FOX: Hearing none, all in</p> <p>17 favor of the motion, let it be known by saying</p> <p>18 aye.</p> <p>19 (Affirmative response.)</p> <p>20 CHAIRMAN FOX: And we have one</p> <p>21 abstention, for the record.</p> <p>22 MR. JACKSON: Tennessee Wildlife</p> <p>23 Resource Agency, same request, 39.5-inch apron</p> <p>24 guard. No problem with that.</p> <p>25 MR. POPE: I make a motion we grant</p>	<p style="text-align: right;">Page 109</p> <p>1 that request.</p> <p>2 CHAIRMAN FOX: We have a motion.</p> <p>3 Do we have a second?</p> <p>4 MR. MOORE: I second that.</p> <p>5 CHAIRMAN FOX: We have a motion and</p> <p>6 a second. Any discussion?</p> <p>7 (No verbal response.)</p> <p>8 CHAIRMAN FOX: Hearing none, all in</p> <p>9 favor of the motion, let it be known by saying</p> <p>10 aye.</p> <p>11 (Affirmative response.)</p> <p>12 CHAIRMAN FOX: All opposed, like</p> <p>13 sign.</p> <p>14 (No verbal response.)</p> <p>15 CHAIRMAN FOX: And one abstention.</p> <p>16 MR. JACKSON: And one second on</p> <p>17 this, Vic. You said that the pit for Knoxville is</p> <p>18 a new pit and they are asking for a variance</p> <p>19 because of a contractor's mistake?</p> <p>20 MR. LAPORTE: I was just asking you</p> <p>21 that question.</p> <p>22 MR. JACKSON: Oh, I don't know. I</p> <p>23 do not know. All I'm going by is off of the --</p> <p>24 MR. LAPORTE: That's what I heard.</p> <p>25 MR. JACKSON: My understanding,</p>

<p style="text-align: right;">Page 110</p> <p>1 from the email that Mike received from Matthew  2 Zane, was that this was an existing hoistway that  3 had been there, and they never put the elevator  4 in. It was built for a hydraulic elevator, which  5 hydraulic elevators, as we've discussed, they  6 don't require as deep a pit as a traction  7 elevator. And a traction elevator requires more  8 overhead clearance, the way that they're set up.  9 So on the Knoxville Beverage, the pit  10 variance, going back to the 39.5-inch apron, I see  11 no problem with that. But if there is -- which it  12 wasn't addressed by Mike, but it was addressed in  13 this email -- if there is an overhead clearance to  14 where it's reduced overhead, I'm not in favor of  15 that. We're not in favor of that.  16 CHAIRMAN FOX: Okay.  17 MR. CHURCH: May I make a comment?  18 CHAIRMAN FOX: Yes.  19 MR. CHURCH: Okay. So can we make  20 the last variance that Mr. Jackson made on a  21 conditionable basis? If a collapsible guardrail  22 is not used, the variance would be approved for  23 the 39.5 inch?  24 MR. HALE: The way I read this, you  25 didn't ask -- in this letter, you didn't ask for</p>	<p style="text-align: right;">Page 111</p> <p>1 the rooftop parts to be only --  2 MR. CHURCH: Right.  3 MR. HALE: So my opinion would be  4 our motion is based on this letter right here that  5 you're presenting to us, presented in the packet.  6 CHAIRMAN FOX: Okay.  7 MR. POPE: I would make a motion  8 that we accept the variance on the pit, and it  9 would be up to the inspectors as to the rest of  10 it.  11 CHAIRMAN FOX: Okay.  12 MR. POPE: Because that hasn't been  13 brought up before us.  14 MR. HALE: Pit and toe guard.  15 MR. JACKSON: Pit and toe guard.  16 MR. POPE: Only the variance is  17 what they're asking for, so I make a motion that  18 we accept the variance.  19 MR. RADER: And I'll second that.  20 CHAIRMAN FOX: We have a second.  21 All right. Any other further discussion?  22 MR. JACKSON: (Indicating.)  23 CHAIRMAN FOX: Sir?  24 MR. JACKSON: If there is an  25 overhead clearance, I'm sure KONE would catch that</p>
<p style="text-align: right;">Page 112</p> <p>1 and know that we're not going to pass that  2 elevator if there is an overhead reduction in  3 place.  4 MR. CHURCH: That is absolutely  5 true.  6 MR. LAPORTE: Can we ask questions?  7 CHAIRMAN FOX: Well, I think you  8 would influence the vote, so let's not do that.  9 MR. LAPORTE: Okay.  10 CHAIRMAN FOX: Any other  11 discussion?  12 (No verbal response.)  13 CHAIRMAN FOX: Hearing none, all in  14 favor of the motion, let it be known by saying  15 aye.  16 (Affirmative response.)  17 CHAIRMAN FOX: All opposed, like  18 sign.  19 (No verbal response.)  20 MR. LAPORTE: One abstention.  21 CHAIRMAN FOX: Motion carries. One  22 abstention.  23 MR. CHURCH: All right. Thank you.  24 CHAIRMAN FOX: Thank you.  25 Now you can tell us.</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. POPE: I just wanted to make  2 the point. I wanted to clarify, was this a new  3 building that they built for a different type of  4 elevator? Or was this an existing building with  5 an unused shaft?  6 MR. JACKSON: The way this was  7 written, the company -- we have an empty shaft  8 that was designed to be a hydraulic elevator when  9 the building was built. The company --  10 MR. LAPORTE: Which was when?  11 MR. JACKSON: It doesn't say. The  12 company never pulled the trigger on installing an  13 elevator until now, which is telling me that it's  14 an existing building they had put a future  15 hoistway in and never put the elevator in. That's  16 my interpretation of the email from Matthew Zane.  17 MR. LAPORTE: But it could be a  18 existing structure that was newly built six months  19 ago and never occupied.  20 CHAIRMAN FOX: But at this point,  21 we've voted and so we need to move on.  22 Moving on to open discussion items,  23 we have the upcoming dates for board meetings for  24 March the 3rd, 2020; June the 2nd, 2020;  25 September 1st, 2020; and December 1st, 2020.</p>

<p style="text-align: right;">Page 114</p> <p>1 MR. BAILEY: Mr. Chairman?</p> <p>2 CHAIRMAN FOX: Sir?</p> <p>3 MR. BAILEY: If I could, I just</p> <p>4 wanted to give the board an update on the rules.</p> <p>5 We have -- they are currently at the attorney</p> <p>6 general's office. They went through attorney</p> <p>7 general review. There were no substantive</p> <p>8 changes. There were some, like, stylistic</p> <p>9 changes, things of that nature. And I appreciate</p> <p>10 Mr. LaPorte's help with -- because some of it was</p> <p>11 in the elevator area. And we got all that taken</p> <p>12 care of.</p> <p>13 The A.G.'s office has approved it,</p> <p>14 but I have not yet received the three originals</p> <p>15 back from the A.G.'s office with the A.G.'s</p> <p>16 signature on it. Once I get that, I'll have to</p> <p>17 meet with our commissioner and get his signature,</p> <p>18 and then I'll file with the Secretary of State's</p> <p>19 office, and then as long as there's no objection</p> <p>20 by ten or more people or an organization within</p> <p>21 that 90-day period, it will go into effect 90 days</p> <p>22 later. So that's where we're at on those rules</p> <p>23 right now.</p> <p>24 CHAIRMAN FOX: Good deal. Good</p> <p>25 information.</p>	<p style="text-align: right;">Page 115</p> <p>1 Okay. Again, March 3rd, June 2nd,</p> <p>2 September 1st, and December 1st of '20. Does</p> <p>3 anybody have a glaring conflict?</p> <p>4 MR. HALE: Are we going to need to</p> <p>5 have a special-called meeting for the fees?</p> <p>6 MR. MOORE: I think he said we</p> <p>7 could do that during the regular meeting.</p> <p>8 CHAIRMAN FOX: You're correct.</p> <p>9 He's correct. We'll just do the fees, vote on the</p> <p>10 fees, at a regular meeting, say March or June?</p> <p>11 MR. BAILEY: Yes. Whenever we end</p> <p>12 up having the rulemaking hearing as part of your</p> <p>13 board meeting and after your hearing the comments,</p> <p>14 then I think that would be the best time for the</p> <p>15 board to either approve or disapprove of the fees.</p> <p>16 MR. POPE: The only thing I'm going</p> <p>17 to say is in this past year, I missed the</p> <p>18 September meeting. September is a high point in</p> <p>19 my season. Monday and Tuesday are usually opening</p> <p>20 days. If there's any way it can go to a</p> <p>21 Wednesday, it would make it easier for me. If</p> <p>22 not, I'll just have -- I'll play it by ear. My</p> <p>23 issues are if someone doesn't show up, I have to</p> <p>24 do it.</p> <p>25 CHAIRMAN FOX: I understand that.</p>
<p style="text-align: right;">Page 116</p> <p>1 MS. MURPHY: As long as we stay</p> <p>2 that week and don't move to the next week, because</p> <p>3 that's Board of Boiler rules, we can move to</p> <p>4 Wednesday the 2nd.</p> <p>5 MR. POPE: And the way it's falling</p> <p>6 this year, it's going to be easier being that it's</p> <p>7 a smaller fair week. That should be no problem.</p> <p>8 But I would rather it be a Wednesday or something,</p> <p>9 but it's not, that's no problem.</p> <p>10 CHAIRMAN FOX: Wednesday, September</p> <p>11 the 2nd. So say you one, so say you-all.</p> <p>12 Okay. The announcement of the next</p> <p>13 meeting will be held on Tuesday, March 3rd, 2020,</p> <p>14 State of Tennessee Department of Labor and</p> <p>15 Workforce Development, located at 220 French</p> <p>16 Landing Drive, Nashville, Tennessee.</p> <p>17 And before somebody makes a motion to</p> <p>18 adjourn, I want to wish everyone a Merry</p> <p>19 Christmas. I hope you have a very prosperous new</p> <p>20 year. I truly do. And I can tell you that I'm</p> <p>21 going to because on the 29th of the month will be</p> <p>22 my last day, so to speak, at Dollywood in a</p> <p>23 regular position. I will be there in a part-time</p> <p>24 capacity doing the -- helping with the legal part</p> <p>25 of what they do, stuff that I've been doing for</p>	<p style="text-align: right;">Page 117</p> <p>1 the last 17 and a half years. I'm just going to</p> <p>2 do it part-time, and I do mean part-time.</p> <p>3 But again, Merry Christmas to all of</p> <p>4 you and, anyway, I would entertain a motion to</p> <p>5 adjourn.</p> <p>6 MR. POPE: I make a motion.</p> <p>7 CHAIRMAN FOX: So moved. We're out</p> <p>8 of here.</p> <p>9 END OF THE PROCEEDINGS.</p>

## 1                    C E R T I F I C A T E

2        STATE OF TENNESSEE        )

3        COUNTY OF WILLIAMSON        )

4                    I, Cassandra M. Beiling, a Notary Public  
5        in the State of Tennessee, do hereby certify:6                    That the within is a true and accurate  
7        transcript of the proceedings taken before the  
8        Elevator and Amusement Device Safety Board and the  
9        Chief Inspector or the Chief Inspector's Designee,  
10       Tennessee Department of Labor and Workforce  
11       Development, Division of Workplace Regulations and  
12       Compliance, Elevator and Amusement Device Unit, on  
13       the 4th day of December, 2019.14                   I further certify that I am not related to  
15       any of the parties to this action, by blood or  
16       marriage, and that I am in no way interested in  
17       the outcome of this matter.

18

19                   IN WITNESS WHEREOF, I have hereunto set my  
20       hand this 6th day of January, 2019.

21

22

23

24

25



Cassandra M. Beiling, LCR# 371

Notary Public State at Large

My commission expires: 3/15/2020

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